Arizona Pollution Discharge Elimination System

(AZPDES)

Phase II (Small) Municipal Separate Storm Sewer System

(MS4)

DRAFT 2026 Fact Sheet for AZG2026-002

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1 INTRODUCTION

This fact sheet provides the rationale for the conditions and requirements in the Arizona Pollutant Discharge Elimination System (AZPDES) general permit for stormwater discharges from Phase II (small) Municipal Separate Storm Sewer Systems (MS4s) in Arizona to Protected Surface Waters. Protected Surface Waters include both Waters of the United States (WOTUS), which are subject to the Clean Water Act (CWA) and enforceable under federal and state law, and non-WOTUS, which are enforceable solely under state law. This general permit, AZG2026-002, replaces permit AZG2021-002.

This general permit is reissued pursuant to Arizona Administrative Code (A.A.C.), Title 18, Chapter 9, Article 9 R18-9-C901. The conditions in the permit are established pursuant to A.A.C. R18-9-A905, which incorporates the applicable requirements of 40 CFR §122, including 40 CFR §122.34 for small MS4 programs. Permit duration and continuation are governed by A.A.C. R18-9-C903.

Part 6.0 of the permit sets forth requirements for the MS4 permittees to reduce the discharge of pollutants to the maximum extent practicable (MEP), to protect water quality, and to satisfy the applicable requirements of the CWA and Arizona Revised Statues (A.R.S.) §49-255.04 (see also Section 402(p)(3)B)(iii) of the CWA, and A.A.C. R18-9-A(905)(A)(1)(h)). The permit requires implementation of best management practices (BMPs) designed to control stormwater runoff from the MS4 as the approach established to reduce the discharge of pollutants to maximum extent practicable (MEP). Pursuant to 40 CFR §122.44(k), the permit requires BMPs, including development and implementation of a comprehensive stormwater management program (SWMP), as the mechanism to achieve the required pollutant reductions.

The 2021 small MS4 general permit (Permit No. AZG2021-002) required permittees to develop and implement SWMP designed to control pollutants to the MEP and protect water quality. This 2026 general permit (AZG2026-002) builds on the requirements of the previous permit.

1.1 General Permit Authority

Section 301(a) of the CWA, 33 U.S.C. §1311(a), and A.R.S. §49-255.01 prohibit the discharge of pollutants into Protected Surface Waters, except in compliance with certain sections of the CWA including, among others, Section 402, 33 U.S.C. §1342. Section 402 of the CWA authorizes the Administrator (ADEQ) may issue National Pollutant Discharge Elimination System (NPDES) permits for discharges of any pollutant into Protected Surface Waters according to such specific terms and conditions as the Administrator may require. Although such permits are generally issued to individual dischargers, the regulations authorize the issuance of general permits to cover one (1) or more categories or

subcategories of discharges, including stormwater point source discharges, within a geographic area (see 40 CFR §122.28(a)(1) and (2)(i); A.A.C. R18-09-C901).

Violations of a general permit condition constitute a violation of the CWA and may subject the discharger to the enforcement remedies provided in both state and federal law, including injunctive relief and penalties (see Part 9.0 of the permit).

1.2 Permit Development

The Arizona Department of Environmental Quality (ADEQ) is reissuing the AZPDES general permit for the discharge of stormwater from small MS4s to Protected Surface Waters.

a. In preparing the permit, ADEQ held a series of stakeholder meetings with interested parties during the period May 2026 through June 2026;

b. In May 2026, ADEQ presented an informal draft to the existing small MS4 permittees for review and comment;

c. In June 2026, the proposed permit draft was published online for official public comment for 30 days; and

1.3 Changes in the 2026 Permit

The 2026 incorporates structural and clarifying revisions throughout for consistency. In addition, Table 1 identifies areas of substantive changes:

Table 1. Proposed Permit Changes

Permit Section	2021 Permit	2026 Permit	Reason for Change
Permit Area	Referenced urbanized areas as determined by the latest Decennial Census.	Updated to reference urban areas with a population of at least 50,000.	Updated for consistency with U.S. EPA's final rule, NPDES Small MS4 Urbanized Area Clarification (88 FR 37994, June 12, 2023). The final rule replaces the term "urbanized area" with the phrase "urban areas with a population of at least 50,000," which is the longstanding definition of the term urbanized areas used by the Bureau of the Census.
Notice of Intent (NOI)	The NOI required basic identification and contact	The NOI must also include the number of outfalls that discharge to a	ADEQ is requiring geospatial and outfall data as part of the NOI to support requirements of NPDES Electronic Reporting Rule (40

	information for the MS4.	Protected Surface Water, the name of the Protected Surface Water, and latitude and longitude in decimal degrees for each outfall.	CFR Part 127). This information enables eReporting program administration, and mapping verification at the time of authorization.
Electronic Reporting	Monitoring results submitted through DMRs.	Updated language to clarify all monitoring results including characterization and analytical monitoring must be submitted through the myDEQ online system. ADEQ will provide an electronic DMR for each permittee.	ADEQ implemented the eReporting requirements consistent with NPDES Electronic Reporting Rule (40 CFR Part127). Electronic submission facilitates data analysis, quality review, and program oversight.
Qualifying Storm Event	Definition did not include snowmelt conditions.	Updated language to include snowmelt conditions.	Previous definition of qualifying storm event was rain-based and did not account for snowmelt. Thus, permittees in higher elevation areas were unable to sample snowmelt-driven discharges to satisfy monitoring requirements in the permit.
Stormwater Characterization Monitoring	Required stormwater characterization 1x per permit term during the first 3.5 years.	Updated provision to extend monitoring window to complete characterization requirements where qualifying storm events are infrequent.	In arid areas, qualifying storms can be too sporadic to collect adequate samples at one or more outfalls within the standard window. The extension allows permittees to complete and submit data that satisfies the permit's monitoring requirements instead of submitting incomplete data.

1.4 NPDES Electronic Reporting Rule

The NPDES Electronic Reporting Rule (NPDES eRule, 40 CFR §127) modernizes the CWA reporting for municipalities, industries, and other facilities. The rule replaces most paper-based NPDES reporting requirements with electronic reporting. The rule also requires states and other regulatory authorities to share data electronically with the U.S. EPA, including permit, compliance monitoring (e.g., inspection), violation determination, and enforcement action data.

The permit includes electronic reporting requirements consistent with the NPDES eRule and the compliance deadlines established under 40 CRF §127.

The permit requires regulated entities to report information electronically through the myDEQ online portal (see Parts 2.0, 7.2(6), 7.5(6), and Part 8.3 of the permit). These reports include:

a. Discharge Monitoring Reports (DMRs);

b. Notices of Intent to discharge in compliance with a general permit; and

c. Other specified program reports.

2 COVERAGE UNDER THIS GENERAL PERMIT

Part 1.0 of the permit establishes coverage requirements, eligibility criteria, and limitations on coverage for this general small MS4 permit.

2.1 **Permit Area** (40 CFR 122.28(a)(1))

The permit is available to eligible MS4 operators seeking authorization to discharge stormwater and allowable non-stormwater from small MS4s, also known as Phase II MS4s.

An MS4 is a conveyance or system of conveyances that includes roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains. These are systems that are:

a. Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district, or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA (33 U.S.C. 1288) that discharges to Protected Surface Waters;

b. Designed or used for collecting or conveying stormwater;

c. Not a combined sewer; and

d. Not part of a Publicly Owned Treatment Works (POTW).

The term "MS4" also applies to systems similar to municipal separate storm sewer systems, such as military bases, large hospital, prison complexes, highways, and other thoroughfares, which are known as "non-traditional" MS4s. The term does not include separate storm sewers in discrete areas, such as individual buildings.

<u>Regulated Small MS4s</u>

This general permit is issued to provide coverage for existing and new MS4s. Existing MS4s (those that obtained coverage under Arizona's previous small MS4 general permit, AZG2021-002) include:

City of Apache Junction	Arizona State University	City of Avondale
City of Buckeye	Bullhead City	Town of Camp Verde
Town of Carefree	City of Casa Grande	Town of Cave Creek
City of Chandler	Cochise County	Coconino County
City of Cottonwood	Davis Monthan AFB	City of El Mirage

City of Flagstaff	Town of Fountain Hills	Town of Gilbert
City of Goodyear	Town of Guadalupe	Lake Havasu City
City of Litchfield Park	Luke ARB	Town of Marana
Maricopa County	Mohave County	City of Nogales
Northern Arizona Univ.	Town of Oro Valley	Town of Paradise Valley
City of Peoria	Pinal County	City of Prescott
Town of Prescott Valley	Town of Queen Creek	City of Sedona
City of Sierra Vista	City of South Tucson	City of Surprise
University of Arizona	Veteran's Hospital (Phoenix)	Veteran's Hospital (Tucson)
Yavapai County	Town of Youngtown	City of Yuma
Yuma County		Douglas

Additional MS4s may be subject to coverage under this permit based on a more recent census, as determined by the U.S. Bureau of the Census, or be designated a regulated MS4 by the director of ADEQ pursuant to A.A.C. R18-9-A902(D).

2.2 Regulated Small MS4s Eligibility (40 CFR §122.32)

The permit authorizes municipal stormwater discharges from small MS4s, when in compliance with permit conditions, except those excluded under Limitations of Coverage (see in Part 1.3 of the permit). Coverage under this permit is authorized for municipal stormwater discharges from the permitted area.

The permitted area is the geographic area identified by the permittee in the NOI. An MS4 requires coverage if it is located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of the Census (R18-9-A905(A)(1)(f); 40 CFR §122.32). The permitted area may correspond to the permittee's jurisdictional boundary or the urbanized area within that boundary, depending on the permittee's circumstances. If the MS4 is not located entirely within an urbanized area, only the portion within the urbanized area is regulated. ADEQ may also designate small MS4s for coverage outside an urbanized area pursuant to R18-9-A902(D). For a description of the categories for regulated MS4s, see Part 1.1 of the permit.

2.3 Limitations of Coverage

This general permit does not authorize:

a. Discharges Mixed with Non-Stormwater. Stormwater discharges that are mixed with non-stormwater sources are prohibited unless the non-stormwater discharges are authorized under an applicable NPDES or AZPDES permit. Non-stormwater discharges that are authorized under a different NPDES or AZPDES permit may be co-mingled with discharges

authorized under this permit. Allowable non-stormwater discharges are identified in Part 6.3(6) of the permit.

b. Discharges Covered under Another Permit. Stormwater discharges associated with construction activity (40 CFR §122.26(b)(14)(x) and (b)(15)), industrial activity (40 CFR §122.26(b)(14)), or discharges that are covered under an individual permit, or discharges required to be covered under another general permit are prohibited.

c. Discharging into Impaired Waters, Not-Attaining Waters or Outstanding Arizona Waters (OAWs): The permittee must include provisions in the SWMP that are consistent with the assumptions and requirements of the total maximum daily load (TMDL) and are protective of water quality.

   In cases where a TMDL has not been established for a 303(d) listed water that receives municipal stormwater, the permittee must control the discharge of pollutants of concern including oil, grease, sediment, pesticides and metals, and any other contaminants known to be common in municipal stormwater runoff to the maximum extent practicable. The permittee must also ensure that discharges will not cause or contribute to exceedances of surface water quality standards (SWQS).

   Visit ADEQ's website for current listings of impaired waters, not-attaining waters, and OAWs at www.azdeq.gov.

d. Discharges Causing Degradation. Discharges must be consistent with Arizona's anti-degradation policy. This policy addresses the degradation of waters that occurs due to a discharge. In the future, determination of consistency with this policy may involve ambient water monitoring or discharge monitoring.

2.4 **Permit Compliance** (40 CFR §122.36)

Noncompliance with any requirement of the permit constitutes a violation of the permit and may result in an enforcement action, including notices of violation, consent orders, injunctive relief, and/or penalties under state and federal law. Standard permit conditions, including enforcement remedies and penalties, are specified in Part 9.0 of the permit.

3 AUTHORIZATION TO DISCHARGE

For a small MS4 to retain authorization to discharge, the operator must submit a complete and accurate Notice of Intent (NOI) containing the information specified in the permit, using ADEQ's online portal, myDEQ. The NOI must be signed in accordance with Part 9.9 of the permit and submitted to ADEQ within 60 days of the permit effective date.

Regulated small MS4 operators who do not submit a complete NOI within 60 days of the effective date of the permit do not have coverage. Any stormwater discharge without authorization is a violation of A.R.S. §49-255.01.

The following implementation timeframes apply to all permit requirements for this permit cycle:

a. Existing permittees must implement all requirements of the permit within one (1) year of the effective date of the permit. Existing permittees must maintain their SWMP implemented under the previous permit until the requirements of the permit are implemented.

b. New permittees must implement all requirements of the permit within two (2) years of obtaining permit coverage. New permittees may request during the first two (2) permit years a one-time extension of one (1) additional year to complete a specific permit requirement.

Compliance timeframes are specified in Part 1.2(1) of the permit.

3.1 Notice of Intent (NOI)

The permit is issued as a comprehensive type general permit, pursuant to A.A.C. R18-9-C(901), in which all requirements are established in the permit and the NOI requires the information specified in Part 2.0 of the permit.

The permit requires, at a minimum, the following information in the NOI:

a. Name of MS4;

b. Operator name and title;

c. Mailing address;

d. Annual fee billing information;

e. Contact person;

f. Contact information;

g. Estimated population of regulated area (based on most recent decennial census by the Bureau of the Census);

h. Protected Surface Water(s) receiving the discharge;

i. The number of outfalls that discharge to a Protected Surface Water; and

j. Outfall name or identification, for outfalls required in "i", including location given as latitude and longitude in decimal degrees.

Upon receipt of a complete and accurate NOI, ADEQ will issue authorization to discharge under this general permit. If the NOI is incomplete or inadequate, ADEQ will notify the applicant as specified in Part 2.1 of the permit.

3.2 Permit Fees

Small MS4 permittees are subject to initial and annual fees pursuant to A.A.C., Title 18, Chapter 14, Article 1. Permittees must submit the appropriate fee, based on population of the permitted area, with their NOI pursuant to A.A.C. R18-14-109.

3.3 Terminating Coverage

The operator of a small MS4 covered by this general permit may submit a Notice of Termination (NOT) to terminate permit coverage if there are no longer discharges to Protected Surface Waters. If the operator fails to obtain coverage under an alternative permit issued by ADEQ or U.S. EPA for municipal stormwater discharges, the operator will be considered discharging without a permit and in violation of state and federal law. Submission requirements are specified in Part 2.3 of the permit.

3.4 Coverage under an Individual Permit

Pursuant to A.A.C. R18-9-C902, a person may request, or be required by the Director, to obtain coverage under an individual permit.

ADEQ may require an MS4 operator to apply for an individual permit if the operator does not meet the conditions for coverage under the general permit. A situation that might trigger such a determination would be if the proposed discharge would cause or contribute to an exceedance of an applicable water quality standard, or if the discharge is a significant contributor of pollutants (R18-9-C902(A)). In such cases, ADEQ may allow the operator to proceed with coverage under the general permit with additional control measures, or may require individual permit coverage so that permit conditions can be customized to the site (A.A.C. R18-9-C902(A)). Any discharger may request to be covered under an individual permit rather than seek coverage under an otherwise applicable general permit (A.A.C. R18-9-C902; CFR §122.28(b)(3)). Individual permit application requirements are specified in A.A.C. R18-9-B901.

3.5 Continuation of this General Permit

Part 2.5 of the permit describes the procedure that applies if ADEQ does not reissue the permit by its expiration date. If this permit is not reissued or replaced prior to its expiration date, existing discharges are covered under an administrative continuance

pursuant to A.A.C. R18-9-C903, and the conditions of the permit remain in force and in effect for discharges covered prior to expiration.

If coverage is provided to a permittee prior to the expiration of this permit, this permit automatically covers the permittee until the earliest of: (1) the effective date of a reissuance or replacement of this permit; (2) issuance or denial of an individual permit for the permittee's discharge; or (3) a formal decision by ADEQ not to reissue this general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

Additionally, pursuant to A.R.S. §49-255.01(M), if the director commences proceedings for the renewal of the expired permit, new operators may obtain coverage under the expired permit.

4 STORMWATER PROGRAM ENFORCEMENT

4.1 Establish Enforcement Procedures (40 CFR §122.34(b)(3)(B))

Adequate enforcement authority is required to be developed, implemented, and enforced for many parts of the permittee's SWMP (see 40 CFR §122.34(b)(3)(ii)(B), (b)(4)(ii)(A), and (b)(5)(ii)(B)). Absent adequate legal authority, the MS4 would be unable to perform many vital permit requirements and SWMP functions such as performing inspections, eliminating illicit discharges, and requiring installation of control measures.

a. For Cities and Counties. The authority is provided by the state legislature to meet the minimum requirements of the municipal stormwater program. Specifically, for small MS4 counties, this authority is provided in A.R.S. §49-371 and 49-372, and authorizes the county to designate and authorize an administrative director for the program or plan prescribed by A.R.S. §49-371 to perform enforcement duties.

b. Non-Traditional MS4s. Permittees often cannot pass ordinances nor do they have enforcement authority like a typical municipality, so authority may consist of other mechanisms such as policies, standards, or specific contract language. Non-traditional MS4 permittees do not generally have the authority to impose a monetary penalty. Although these differences exist, just like traditional MS4s, non-traditional MS4s must develop, implement, and enforce the program, often by use of other regulatory mechanisms.

4.2 Enforcement Requirements

If not already developed, the permittee must establish and exercise enforcement procedures to comply with the permit. Enforcement procedures are specified in Part 3.2 of the permit and apply to the IDDE program (Part 6.3), construction activity runoff control (Part 6.4), and post-construction stormwater management (Part 6.5).

4.3 Enforcement Response Plan(s)

The permit requires the MS4 to develop and implement an Enforcement Response Plan (ERP). The ERP must provide guidelines for personnel in determining appropriate enforcement actions toward violations encountered in enforcing the provisions of the MS4 regulations (including codes, ordinances, permits, contracts, and other mechanisms).

The ERP must describe how the MS4 operator will investigate instances of noncompliance, describe the types of enforcement actions that may be taken in response to anticipated types of violations, and identify the timeframe within which these enforcement actions will be taken and followed up.

The ERP must include a prioritization schedule, or "road map", that establishes escalated enforcement for noncompliance considering severity, repeated noncompliance, proximity to a receiving water or storm sewer system, and other appropriate factors. This road map will provide clarity and consistency to personnel at all levels of the MS4's stormwater program. ADEQ encourages the permittee to develop a tabular guide or flow chart to represent an escalated enforcement program.

The permit requires the ERP to be applied in the IDDE program (Part 6.3 of the permit) and in construction activity follow-up and enforcement actions (Part 6.4 of the permit).

5 STORMWATER MANAGEMENT PROGRAM (SWMP)

Permittees must develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA.

The SWMP must be retained at the office or facility of the person identified on the NOI and must be available immediately upon request by ADEQ, U.S. EPA, or their authorized representative. The permittee must also make the SWMP available to the public during normal business hours and post the current version on the MS4's website. The SWMP must contain, at a minimum, the elements listed in Part 4.1 of the permit.

Existing permittees must continue to implement and enforce the SWMP that was required by the previous permit while updating the SWMP to meet the requirements of the current permit. The permit does not provide additional time for completing the requirements of the previous permit, except as specified in Part 2.0 of the permit. During the authorization transition period, existing permittees may continue to comply with the conditions of the expired permit until the NOI is submitted. Authorization transition and implementation timeframes are specified in Parts 1.2 and 2.0 of the permit.

At a minimum, the permittee must assess, evaluate, and update the SWMP at least annually and incorporate any revisions necessary to maintain permit compliance. The permittee must include a summary documenting the status of compliance with permit terms, and any planned revisions to BMPs, and any available monitoring or assessment information. The annual SWMP review must occur in connection with preparing the annual report. Requirements are specified in Parts 8.1 and 8.3 of the permit.

6 WATER QUALITY STANDARDS (WQS)

The permittee must develop, implement, and enforce a program to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of federal and state laws.

The permit includes provisions to ensure that discharges do not cause or contribute to exceedances of SWQS. The permit requires all permittees to conduct stormwater characterization monitoring as specified in Part 7.0 of the permit. ADEQ may also require additional analytical monitoring to ensure compliance with permit limitations.

The nonnumeric effluent limitation requirements of the permit are expressed in the form of control measures and BMPs. Control measures are specified in Part 6.0 of the permit. An exceedance of a surface water quality standard does not necessarily constitute a permit violation if the permittee complies with all permit conditions, including developing, implementing, and enforcing a stormwater management program that is designed to reduce the discharge of pollutants to the maximum extent practicable.

7 MINIMUM CONTROL MEASURES (MCMs)

The permittee must implement a stormwater management program to reduce the discharge of pollutants to the maximum extent practicable by, at a minimum, implementing best management practices for each of the six (6) minimum control measures (MCM) as described in Parts 6.1 through 6.6 of the permit.

In accordance with 40 CFR §122.35, the permit allows a permittee to rely on another entity, including another interconnected MS4, for implementation of all or part of a permit condition or control measure. The permittee may rely on another entity if there is verification that the other entity is implementing the control measure or permit condition. The other entity must agree to implement the measure or condition for the MS4 and in accordance with permit requirements. If the other entity fails to implement the measure or permit condition, the permittee is ultimately responsible for its implementation and remains responsible for permit compliance.

Arizona's definition of pollutant is inclusive of many types of materials and wastes, and includes solid waste and garbage (commonly referred to as trash). Trash and litter are a pervasive problem in urbanized areas. Controlling trash is a priority because trash adversely affects the use of waterways. Trash affects aquatic life in streams, rivers, and lakes as well as terrestrial species in adjacent riparian and shore areas. Trash, particularly plastics and polystyrene, persists for years in the environment. It concentrates organic toxins, entangles and ensnares wildlife, and disrupts feeding when animals mistake plastic for food and ingest it. Additionally, trash creates aesthetic impacts, impairing our ability to enjoy our waterways and natural environment.

Trash is one of the forms of pollutants that can be found at nearly every component of a municipal storm sewer system (from roads and streets, to inlets, and underground infrastructure), and can ultimately be discharged at an outfall. The issue of trash provides a unique and important focus point for an effective stormwater program because it can be applied to all six (6) of the minimum control measures.

7.1 Public Education and Outreach

The permittee must implement a public education program to distribute educational materials to the community, or conduct other outreach activities about the impacts of stormwater discharges on waterbodies, and steps the public can take to reduce pollutants in stormwater runoff. The education program must be specific to the MS4 and include a focus on the pollutants of concern associated with impaired and not-attaining waters affected by discharges from the small MS4. The overall long-term goal of an effective education program is to change behavior and increase the knowledge of the community.

An education program must have a defined and targeted message for each of the different audiences and must include methods to evaluate the effectiveness of the

educational messages and the overall program. The permittee must establish methods to assess the educational program's progress toward its defined goals and modify ineffective messages or distribution techniques on an annual basis. Requirements are specified in parts 6.1 and 8.1 of the permit. The permittee must provide educational materials to residents, commercial entities, institutional facilities, businesses, industrial facilities, and construction and development companies.

The educational messages must reflect the needs and characteristics of the area served by the MS4 and may include industrial and commercial areas, recreational areas, sporting venues, classrooms, and other venues, activities, and opportunities. Permittees can form partnerships with other organizations to assist in the implementation of its education and outreach programs. These partnerships may include other MS4s in a watershed, environmental groups, watershed associations, or other civic organizations, but the MS4 must ensure that the outreach is applicable and meets local education needs.

7.2 Public Participation and Involvement

This MCM is similar to the public education and outreach control measure. ADEQ supports the idea that if the public is given an opportunity to understand and participate in a stormwater protection program, the public will generally become supportive of the program. The objective of this MCM is to engage the public and provide opportunities to participate in the review and implementation of the SWMP. Permittees are encouraged to provide interactive opportunities for public participation. Examples include volunteer water quality monitoring, community clean-up days, hazardous waste collection days, and adopt-a-drain or adopt-a-stream programs.

The permit requires the permittee to provide an opportunity for the public to participate in SWMP review and updates. Public participation efforts should attempt to engage all groups served by the MS4. This effort may include creative public information messages such as announcements in neighborhood newsletters, use of television spots on the local cable channel, announcements, or displays at civic meetings. Public participation should involve a diverse cross-section of people, groups, and businesses in the community to assist in developing, implementing, and maintaining a comprehensive and effective stormwater program.

The permit also requires the permittee to provide and publicize a reporting system to facilitate and track public reporting of spills, discharges, or dumping to the MS4 on a continuous basis. The permittee must document the details of the public participation and involvement in the SWMP. Requirements are specified in Part 6.2 of the permit.

7.3 Illicit Discharge Detection and Elimination (IDDE) Program

This MCM requires the permittee to implement an IDDE program to detect and eliminate illicit discharges from its municipal separate storm sewer system (40 CFR §122.34(b)(3)). An illicit discharge is any discharge to the MS4 that is not composed entirely of stormwater except discharges authorized under a separate NPDES permit or discharges resulting from firefighting activities (40 CFR §122.26(b)(2)).

To meet the minimum requirements of this MCM, the permittee must develop, implement, and enforce an IDDE program to identify facilities or activities within the permitted MS4 area that discharge to the permittee's small MS4. Consistent with the regulatory definition of an illicit discharge, facilities or activities that discharge to the MS4 but that do not have authorizing AZPDES (or NPDES) permit coverage constitute an illicit discharge. Failure to identify and eliminate illicit discharges to the storm sewer system to the MEP constitutes a permit violation. The IDDE program must be recorded in a written document and maintained in the SWMP.

This provision serves to implement, in part, the statutory requirement that MS4 permits effectively prohibit non-stormwater discharges to their storm sewer system. Spills, leaks, sanitary sewer overflows, and illicit dumping or discharges can introduce a range of stormwater pollutants into the storm system. Prompt response to these occurrences is the best way to prevent or reduce negative impacts to Protected Surface Waters. An effective response program will have Standard Operating Procedures (SOPs) for spill response, including investigation and corrective action procedures.

Often, a different entity might be responsible for spill response in a community (i.e., fire department). Therefore, it is imperative that adequate communication exists between stormwater and spill response staff to ensure that spills are mitigated, investigated, corrected, and documented in a timely manner.

Illicit discharges can enter the storm system in a variety of ways, such as incorrectly connected wastewater discharge lines and surface runoff. The permit includes requirements to identify sources of illicit discharges, including unpermitted discharges. Upon detection or identification of an illicit discharge, the permittee must implement measures to control or prohibit such discharges. Failure to do so constitutes a permit violation.

The permit describes required components of an illicit discharge detection and elimination program. Permittees are required to develop an IDDE protocol as part of the SWMP that includes specific requirements, procedures, and approaches to identify and eliminate illicit discharges, including escalated enforcement procedures. Examples of these requirements include a storm sewer system map, prioritization of areas with illicit discharges, wet and dry weather visual outfall monitoring, recordkeeping, and thorough

and complete storm drain network investigations that systematically and progressively evaluate the storm sewer system to isolate the location of a suspected illicit connection or discharge.

Similar to the previous permit, the current permit requires MS4s to develop and maintain a storm sewer system map that includes outfalls and names and locations of all Protected Surface Waters that receive discharges from the MS4 outfalls. The system map is an integral component to assist the MS4 permittee with identifying the source of illicit discharges that originate upstream of the outfall.

The permittee must have adequate legal authority to implement the following activities as part of the IDDE program:

a. Prohibit illicit discharges;

b. Investigate suspected discharges;

c. Eliminate illicit discharges; and

d. Enforce the IDDE program.

The previous permit required development of codes, ordinances, or other regulatory mechanisms to address these components. The current permit requires existing permittees to evaluate existing codes, ordinances, and revise them as necessary to ensure adequate enforcement authority. New permittees are required to develop, adopt, and implement codes or ordinances to the extent allowed under state and local law, and to establish legal authority.

Permittees must assess outfalls and conduct wet and dry weather monitoring to identify illicit discharges and must develop protocols that clearly identify responsibilities with regard to identifying, characterizing, and eliminating illicit discharges. Monitoring requirements are specified in Part 6.3(7) of the permit.

The permittee must have procedures that clearly define methodologies and responsibilities with regard to eliminating illicit discharges. The permit requires a written statement identifying the lead department responsible for implementing the IDDE program (Part 6.3(3) of the permit). It is expected that protocol will vary between permittees and may include one (1) or more departments within the permittee's organizational structure. Such divisions and responsibilities must be coordinated and clearly documented to ensure the program is effective in identifying and responding to illicit discharges.

The permit does not require a specific methodology, only that one exists and that the staff responsible for locating and removing illicit connections are familiar with the program. The procedure must also define appropriate methods for removal of the illicit discharge or connection. There must also be procedures for confirmation of removal of

illicit discharges or connections. The permittee must develop procedures that detail a systematic approach for locating and removing illicit discharges. The systematic procedure, at a minimum, includes three (3) parts:

a. The outfall inventory;

b. Tracking a discharge to a source; and

c. Removal of the source.

The permittee should use the definition of outfall found at 40 CFR §122.26(b) for purposes of identifying outfalls. The outfall inventory may include walking stream miles within the MS4 boundary that receive a discharge from the MS4 and locating all the outfalls. When an outfall is located, the permittee must record specific information. Example information that should be documented includes: the dimensions, shape, material, spatial location, and physical condition of the outfall. Each outfall must have a unique identifier. In addition to the physical observations, the permittee should also record any sensory observations. This includes color, odor, floatables, oil sheens, and evidence of flow.

If flow is observed at an outfall, a sample should be taken and the source of the dry weather flow be determined. The flow should be analyzed for conductivity, turbidity, pH, chlorine, temperature, surfactants (as MBAS), potassium, ammonia, and *E. coli* or enterococcus to help identify potential source(s). If the source is not readily determined, a more intensive investigation should be undertaken.

If an outfall has evidence of a flow but there is not an actual flow during the inventory or dry weather monitoring, there may be an intermittent discharge. Intermittent discharges can be difficult to track because they can occur at various times. There are monitoring techniques a permittee can use to address a suspected intermittent discharge. These techniques include: (1) odd hour monitoring; (2) optical brightener monitoring (OBM) traps; (3) caulk dams; (4) pool sampling; and (5) toxicity monitoring. In addition to the use of indicators to help identify the source of an illicit connection or discharge, the permittee may use dye testing, video testing, smoke testing, or other appropriate methods to aid in locating illicit connections or discharges.

In addition to detecting and removing illicit discharges, the permittee must also develop and implement mechanisms and procedures for preventing illicit discharges. This includes training to inform public employees, businesses, and the general public of the hazards associated with illegal discharges. The requirement to prevent illicit discharges can be incorporated into the public education and public participation MCMs. Examples of mechanisms to prevent illicit discharges include: identification of opportunities for pollution prevention or source control; distribution of information concerning car washing or swimming pool draining; routine maintenance activities; and inspections of facilities.

Inspections and screening for non-stormwater discharges into the MS4 may be conducted using the Illicit Discharge Detection and Elimination: *A Guidance Manual for Program Development and Technical Assessments,* (Center for Watershed Protection, 2004), available at www.cwp.org.

A stormwater hotline or website can be used to help permittees become aware of and mitigate spills or dumping incidents. Spills can include everything from an overturned gasoline tanker to sediment leaving a construction activity to a sanitary sewer overflow entering into a storm drain. Permittees must set up a hotline consisting of any of the following (or combination thereof): a dedicated or non-dedicated phone line, email address, and/or website.

For a permittee to have an IDDE program, it is critical to have properly trained personnel. Permittees are required to train field staff who may come into contact with or observe illicit discharges, on the identification and proper procedures for reporting illicit discharges. Field staff to be trained may include, but is not limited to, municipal maintenance staff, inspectors, and other staff whose job responsibilities regularly take them out of the office and into areas within the MS4 boundary. Field staff out in the community are in an effective position to locate and report spills, illicit discharges, and potentially polluting activities without increasing staff. With proper training and information on reporting illicit discharges easily accessible, these field staff can greatly expand the reach of the IDDE program. The permit requires annual training for employees involved in the IDDE program (Part 6.3(9)).

Additional sources of illicit discharges include stormwater and non-stormwater discharges to the MS4 from construction activities, industrial activities, and others that do not have appropriate CWA permit coverage. Permittees are required to contact site or activity operators that discharge to discharge to the MS4. Permittees are given the flexibility to develop and implement a program suited to their small MS4 area. Contact may be done by various means, including but not limited to site visits, phone calls, and/or mailers.

ADEQ encourages permittees to coordinate the IDDE program requirement with public education and outreach to inform businesses and the general public about the hazards associated with illegal discharges and improper disposal of waste.

To the extent known, the permittee must include in the annual report the number of illicit discharges to the storm sewer system, the number of contacts made and method of contact, facility/activity name, address, and contact person, whether or not the facility/activity has an appropriate AZPDES permit, and other pertinent information.

7.4 Construction Activity Stormwater Runoff Control

Permittees must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the storm sewer system from construction activities that result in a land disturbance of greater than or equal to one (1) acre and discharge to the MS4. This includes those construction activities that are less than one (1) acre if that construction activity is part of a larger common plan of development or sale that will disturb one (1) or more acres (see 40 CFR §122.26(b)(15) and 40 CFR §122.34(b)(4)).

The permit does not cover stormwater discharges associated with construction activities conducted by the small MS4. If the small MS4 operator meets the definition of "operator" as defined in ADEQ's Stormwater Construction General Permit (CGP), the small MS4 operator must obtain separate CGP coverage for those projects. Examples of construction activities conducted by the small MS4 may include roadways, parks, and other capital improvement projects.

The overall objectives of an effective construction runoff management program are to minimize or eliminate erosion and maintain sediment on site, and reduce or eliminate the discharge of pollutants associated with construction projects (e.g., concrete washout, paints, solvents, fuels, lubricants, solid waste, etc.).

The construction runoff management program required by the MS4 permit is different from the program required by ADEQ's CGP. The CGP applies to construction projects that have one (1) or more acres of disturbed land and discharge directly to a WOTUS or indirectly through an MS4, and includes prescriptive requirements including monitoring for discharges to Outstanding Arizona Waters or impaired waters. The MS4 permit, in contrast, covers what the municipality must do to control construction stormwater discharges to its MS4, and the permit allows significant discretion on how to apply that program. ***The MS4 permit's construction stormwater requirements only apply to the discharges from construction projects that discharge directly to its storm sewer system. The MS4 permittee is not responsible for enforcing any terms of ADEQ's CGP permit, including when CGP coverage is required***. The permittee must have an ordinance or other regulatory mechanism requiring proper sediment and erosion control. In addition to addressing sediment and erosion control, the ordinance must include controls for other wastes on construction sites such as demolition debris, litter, and sanitary wastes. ADEQ encourages permittees to include design standards in local regulations for sediment and erosion control BMPs. The department recommends that design standards focus on reducing stormwater exposure to pollutants, maintaining pre- and post-construction stormwater water quality, volume, and intensity rather than focusing on maintaining stormwater onsite.

The construction program must have procedures for preconstruction review and approval of site plans. Permittees should make every effort to ensure that qualified personnel review plans. The procedures must ensure that plan reviews include consideration of water quality impacts. The review procedures must be included in the SWMP.

The construction program must have procedures for site inspections and enforcement. Qualified personnel should perform inspections. Inspections should occur during construction as well as after construction to ensure that BMPs are installed and operating as described in approved plans. The permittee shall have clearly defined procedures regarding who is responsible for inspections and what aspects of the construction site are to be inspected. Inspection and enforcement program elements are to ensure construction activities comply with local stormwater codes, ordinances, or other regulatory mechanisms. The regulated MS4 is not expected, nor is it authorized, to enforce the terms of ADEQ's CGP.

To effectively conduct inspections, the permittee must know where construction activity is occurring. A construction activity inventory tracks information such as project size, disturbed area, distance to any waterbody or flow channel, when the erosion and sediment control/stormwater plan was approved by the permittee, and whether the project is covered by the permitting authority's construction general permit. This inventory will allow the permittee to track and identify projects for inspections.

In order to ensure proper implementation and maintenance by site operators, a rigorous inspection protocol is necessary. This protocol must include written procedures for site inspections and enforcement to ensure inspections and enforcement actions are conducted in a consistent manner.

ADEQ recommends that MS4s prioritize site inspections and frequency of inspection based on construction activity attributes such as potential for erosion, proximity to a surface water (including impaired and not-attaining waters and OAWs), size of the construction project/activity, and previous experience with contractors.

To the extent allowable, the permittee must have authority to impose sanctions if construction projects are found not in compliance with the local ordinance. Sanctions can include monetary penalties and/or stop work orders.

An MS4 should look at the various components of the local government and, whenever possible, optimize coordination between municipal offices and other MS4s as appropriate to ensure adequate review of plans and other documents associated with a construction project.

The permit requires staff whose primary job duties are related to implementing the construction stormwater program to have the knowledge, skills, and ability to carry out their assigned duties. An effective part of this program relies on adequate training, both for new employees and ongoing training for existing employees.

Education of construction activity operators regarding stormwater management and regulatory requirements is an essential part of controlling stormwater discharges from construction activities. Making brochures, guidance documents, and trainings available will increase the knowledge of operators and compliance in the field and can help them choose the correct structural control and processes, correctly install the controls, and successfully implement control measures.

Procedures for public involvement are required and should include tools such as a hotline, email, website, and/or mobile application for the public to access regarding stormwater concerns associated with construction activities.

Common Plan of Development

A common plan of development or sale exists when there is documentation showing plans to disturb earth regardless of how many phases or how long it will take. Common documents used to confirm such a plan include plats, blue prints, marketing plans, and contracts.

Sometimes a new operator will want to perform some earth disturbing activities at a facility that originally was a common plan of development or sale, but wants to know if it still is a common plan of development or sale for which they would need to apply for permit coverage even if under one (1) acre. ADEQ follows a two-prong assessment to determine if a facility is no longer a common plan of development or sale:

> Was the original plan, including modifications, ever substantially completed with less than one (1) acre of the original "common plan of development or sale" remaining (e.g., <one (1) acres of the "common plan" were not built out at the time)?
>
> Is there a clearly identifiable period of time where there is no on-going construction, including meeting the criteria for final stabilization (e.g., a couple of years or more)?

If the new operator at a facility evaluates his project and determines that the original facility meets the two (2) criteria above, then the original common plan of development or sale has ended and the operator should evaluate only their new construction plans. If the new plans are less than one (1) acre and not part of another common plan of development or sale, then no permit is needed.

Examples of larger common plan include the following (adapted from U.S. EPA, Region 6 – Compliance Assurance and Enforcement, February 2009):

a. Example 1: A residential subdivision was started in the 1980s. 97 of 100 houses were built at that time. A new operator comes some time later and wants to build the last three (3) houses and they are less than one (1) acre. Does the builder need a permit? Using the two (2) criteria test above, the original purpose was substantially completed (there is less than one (1) acre total remaining from the original "common plan") and there has been a clearly identifiable period of time of no on-going construction. In this situation the new operator would not need a permit.

b. Example 2: A residential subdivision was started in the 1980s. Due to bankruptcy, only 40 of the 100 lots were ever completed. There has been no earth disturbing since the mid-1980s. Does this facility need a permit if a new operator wants to come build two (2) new houses on 0.25 acre lots? Yes, the new operator needs a permit no matter how few of acres he's disturbing because the original common plan of development or sale was never substantially completed. To build out the remaining 60 lots from the original "common plan" would disturb more than one (1) acre.

c. Example 3: A large mall was started last year and finished last month. At the last minute, the developer is able to buy two (2) acres of adjacent property and wants to add some additional parking spaces to the new parking lot. He hires a new general contractor to build this parking lot. Does this new two (2) acre parking lot need permit coverage? The original purposes may have been substantially completed, but there is no clearly identifiable time of no on-going construction. In this situation the operators of the new parking lot would need a permit.

d. Example 4: A large industrial plant covering 15 acres was competed two (2) years ago. The company has grown, so the owners have decided to expand the facility and bought two (2) acres adjacent to the facility to add a new building, parking, etc. that will disturb 0.75 of the two (2) acres. He hires a general contractor to build this expansion. Does this facility expansion need permit coverage? The original purpose was substantially completed, there is a clearly identifiable time of no ongoing construction, and the expansion will disturb less than one (1) acre. The expansion projects will not need a permit.

7.5 Post-Construction Stormwater Management in New Development and Redevelopment

This MCM requires the permittee to continue to review and enforce a program to address post-construction stormwater runoff from areas of new development and redevelopment that disturb one (1) or more acres. Permittees must implement an ordinance or other regulatory mechanism to manage post-construction stormwater runoff into the MS4.

This measure applies in areas of new development and redevelopment of construction activities that disturb one (1) acre or more. The long-term objective of this measure is to have the hydrology associated with new development closely mirror the predevelopment hydrology and to improve the hydrology of redeveloped sites.

Post-construction stormwater runoff may cause several types of impacts. One is an increase in the type and the quantity of pollutants. The alteration of the land by development can increase the discharge of pollutants such as oil and grease, heavy metals, and nutrients in stormwater runoff.

The MS4's post-construction stormwater runoff program should focus on building codes, ordinances, allowances, credits, and other measures to ensure and promote the concept that post-construction stormwater runoff be similar to pre-construction stormwater runoff in quality, quantity, and velocity.

Management of stormwater can be accomplished in many ways. Low Impact Development (LID) focuses on using practices that imitate the natural water cycle. Rather than directing stormwater to a pipe or conveyance, the stormwater is managed onsite. LID practices can work at the site level as well as the watershed level. The permit requires the permittee to evaluate existing local regulations and make determinations as to whether the existing local regulations allow LID practices and what changes could be adopted to better promote LID practices.

7.6 Pollution Prevention and Good Housekeeping for Municipal Operations

This section applies to municipal facilities that are not otherwise subject to separate stormwater permitting (i.e., industrial activities subject to coverage under Arizona's Multi-Sector General Permit (MSGP)).

Some municipal facilities are not currently subject to a separate stormwater permit (e.g., facilities that primarily work on police cars, fire trucks, and others associated with justice, public order, and safety). Municipal facilities are subject to MSGP coverage if it resembles a kind of facility with a Standard Industrial Classification (SIC) code that is covered by the MSGP (e.g., bus maintenance yard, airport maintenance facility), see 40 CFR §122.26(b)(14).

ADEQ's approach to permitting applicability for municipal facilities that conduct a mix of covered/not covered vehicles is to assess if more than 50% of the activities conducted at the facility are subject to MSGP coverage. For example, if 55% of the vehicle maintenance conducted at the municipal facility is on equipment associated with police cars, fire trucks, and other equipment associated with justice, public order, and safety, then the facility is subject to the MS4 permit. However, if 55% of the activities are associated with garbage trucks, snowplows, and similar/other equipment, then the facility is subject to separate permitting under Arizona's MSGP, see 40 CFR §122.26(b)(14).

This measure requires small MS4s to develop and implement an operations and maintenance program that includes facility inspections and employee training. The ultimate goal of this measure is preventing or reducing pollutant runoff from all municipal operations. The permit includes the minimum requirements for the implementation of this control measure.

As part of the evaluation, the permittee must consider and include all facilities that are a source of stormwater pollutants. The permittee should evaluate the use and storage of petroleum products, management of dumpsters, and other wastes. Examples of typical municipal facilities or activities subject to the permit part include parks and open spaces, fire stations, police stations, buildings and facilities, roadways, storm systems, schools, festivals, and public events.

Each municipal facility or activity will require a different set of control measures depending on the nature of activities that occur there and the types of materials or pollutant sources. Developing and maintaining a site-specific Standard Operating Procedure (SOP) for each facility will help to ensure that employees responsible for facility operation are aware of the stormwater controls required for the site. The best way to avoid pollutant discharges from these sources is to keep precipitation and runoff from coming into contact with pollutant sources.

The permittee must establish and implement maintenance schedules and inspection frequencies for all permittee-owned facilities or activities subject to operation and maintenance and pollution prevention activities. The permit requires the permittee to develop a facility/activity risk priority schedule for operations, maintenance, and inspections. Determining risk priority schedules may be done by identifying pollutants that are stored at each facility and determining the likelihood of stormwater carrying the pollutant to a waterbody. For example, while a city park would not be an obvious facility, most city parks have a storage area for maintenance that includes fertilizers, pesticides, trash, etc., which are all pollutants if not managed correctly so that they do not come in contact with stormwater. The inspection frequency may include daily site walks to ensure material are properly stored, equipment is operating as designed, and personnel are following established procedures.

For the program to be effective, permittees should develop a Stormwater Pollution Prevention Plan (SWPPP) or similar document for each municipal facility. A boilerplate can be utilized for basic information, but then tailored to each facility for specific needs. The SWPPP should include BMPs implemented at each facility or discharge activity, facility listing, stormwater inspection frequency, staff training topics and frequency, and spill prevention and response procedures.

The U.S. EPA requested that ADEQ include requirements for MS4s to have an Asset Management Plan (AMP) to manage all the data related to municipal facilities (such as identifying facilities and infrastructure; planning ahead for maintenance and operations that are required at each location; scheduling inspections, etc.), and maintain all the data in one place. Although ADEQ did not include the requirement in the current permit, MS4s are encouraged to consider implementing this approach to asset management, since it may become a requirement in future permits. Several municipalities already have programs in place (such as Lucity and Accela) to support municipal data management.

The regulations found at 40 CFR §122.34(b)(6) specifically require the permittee to develop a "training component" that trains employees "to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance." The permit requires employee training for existing and new employees who are involved in performing pollution prevention and good housekeeping practices. All training must include a general stormwater educational component, including an overview of the requirements with which the municipality needs to comply. The permittee is responsible for identifying which staff must attend trainings based on the applicability of the topics listed and conduct initial and refresher training.

If the permittee uses third-party contractors to conduct municipal maintenance activities in lieu of using municipal employees, those contractors performing activities that can affect stormwater quality must be held to the same standards as if the permittee uses its own personnel. Not only must these expectations be defined in contracts between the permittee and its contractors, but the permittee is responsible for ensuring, through contractually-required documentation or periodic site visits, that contractors are using stormwater controls and following standard operating procedures.

8 ANALYTICAL MONITORING

The permit requires analytical monitoring to evaluate pollutant levels in stormwater. Whenever possible, stormwater samples must be collected during the "first flush" (the first 30 minutes of stormwater discharge) of a qualifying storm event, to identify initial pollutants that may shock Protected Surface Waters, and to assess the effectiveness of structural controls, such as retention basins, in managing the first flush of pollutants.

Capturing the first flush may also assist in detecting when non-stormwater discharges enter the stormwater system because such pollutants may be flushed out of the system during the initial portion of the discharge.

Storm event data is only required to be submitted for monitoring locations that had a qualifying storm event during that reporting period. If a qualifying storm event did not occur, then the permittee will use a NODI (No Discharge) code in myDEQ for the applicable monitoring location.

Part 7.2(4) requires the permittee to conduct stormwater characterization monitoring at three (3) outfalls or monitoring locations that are representative of stormwater discharges and land uses within the MS4. When water quality standards imposed at the point of discharge is impracticable or infeasible, applicable standards for discharges of pollutants may be imposed on internal waste streams before mixing with other waste streams in accordance with 40 CFR §122.45(h). The permittee can use interim monitoring points or field screening points within the MS4 to perform analytical monitoring if an outfall or point of discharge is inaccessible or may mix with other waste streams. If during the permit term the permittee comes across factors such as regulations, annexations, or construction, the permittee may relocate a monitoring location.

For those MS4s who discharge to an impaired water, a water listed as not-attaining, or to an Outstanding Arizona Water, the permit identifies requirements for analytical monitoring. Additionally, ADEQ retains the authority to require other analytical monitoring to assess permit compliance, to identify or characterize an illicit discharge, or ensure attainment of applicable surface water quality standards. In the event ADEQ requires additional analytical monitoring, the permittee will be notified in writing of the frequency, duration, methods (e.g. grab sample, composite sample, or flow weighted), reporting requirements, and other applicable details.

At a minimum, the permittee must sample for those parameters for which the receiving water is impaired or identified as not-attaining, or other parameter resulting in the impairment.

Impaired and not-attaining Protected Surface Waters are those waters included in Categories 4 and 5 of ADEQ's *Arizona's 2026 Clean Water Act Assessment* and require special consideration to ensure appropriate actions are implemented to achieve

attainment of designated use(s). Additional information may be obtained on the assessment on ADEQ's website at www.azdeq.gov.

If there is a TMDL for the receiving water and the TMDL conflicts with any portion of the analytical monitoring requirements specified in the permit, the permittee shall follow whichever element of the permit or TMDL is more descriptive or inclusive (including monitoring events analytical parameters).

Permittees who are required to conduct analytical monitoring shall develop a sampling and analysis plan (SAP) to ensure samples are collected consistently and are representative of the discharge from the MS4. The SAP must include, at minimum, sampling procedures, sample preservation, chain-of-custody procedures, and a validation report from the analytical laboratory. The SAP must also include procedures for equipment calibration and usage for field parameters (pH, conductivity, temperature, etc.). ADEQ has provided a SAP Template on the ADEQ website for reference.

Permittees who discharge to an impaired water, a not-attaining water, or an OAW are required to conduct analytical monitoring a minimum of one (1x) times per wet season. ADEQ will evaluate each monitoring plan to assess whether it is adequate to meet the requirements of the permit. ADEQ may notify the permittee in writing of any additional monitoring requirements. Wet seasons are identified as:

Summer wet season:	June 1 – October 31
Winter wet season:	November 1 – May 31

Analytical monitoring shall be conducted with approved test methods in accordance with A.A.C. R18-9-A905(B).

9 PROGRAM ASSESSMENT, RECORDKEEPING, AND REPORTING

9.1 Program Evaluation

A key requirement in the stormwater Phase II rule is a report (40 CFR §122.34(g)(3)) that includes the status of compliance with permit conditions, an assessment of the appropriateness of identified control measures, and progress towards achieving identified measurable goals for each of the minimum control measures. This assessment is critical to the stormwater program framework which uses the iterative approach of implementing controls, conducting assessments, and designating refocused controls leading toward attainment of water quality standards.

The permittee must periodically evaluate its SWMP for the following: compliance with the terms of the permit, the appropriateness of the identified BMPs, and progress towards achieving the objective of the control measure and the permittee's measurable goals. The permittee may need to change its selected BMPs identified in the SWMP based on this evaluation process to ensure compliance with the terms of the permit including water quality-based requirements.

ADEQ recommends that permittees use the U.S. EPA's *MS4 Program Evaluation Guidance* document (EPA-833-R-07-003) to assist with its annual program evaluation and self-audits. This document provides helpful information to identify and proactively address program deficiencies and improve effectiveness of the SWMP.

9.2 Recordkeeping

The permittee must keep all records required by the permit for a minimum period of three (3) years and must submit records as specified in the permit and when requested by ADEQ or U.S. EPA. Records of monitoring information must include, at a minimum:

a. The date, exact place, and time of monitoring event;

b. The individual(s) who performed the monitoring;

c. The dates analyses were performed;

d. The individuals who performed the analyses;

e. The analytical techniques or methods used; and

f. The results.

9.3 Annual Report

The annual report must document and summarize implementation of the SWMP during the previous year and evaluate program results and describe planned changes towards continuous improvement. The annual report also can serve as a state of the SWMP report for the general public or other stakeholders in the community. While records are to be

kept and made available to the public, the annual report is an excellent summary document to provide as well.

The annual report must be submitted to ADEQ by September 30 each year. The reporting period is July 1 through June 30 each year. For more information on the annual report requirements, see Appendix A of the permit.