

## ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM (AZPDES)

# FACT SHEET

This document provides pertinent information concerning the reissuance of the Arizona Pollutant Discharge Elimination System (AZPDES) individual stormwater permit listed below. Pima County is the owner and operator of a large Municipal Separate Storm Sewer System (MS4), and thus is regulated under the AZPDES permitting program. The conditions contained in this permit are intended to maintain the Water Quality Standards listed in Arizona Administrative Code (A.A.C.) R18-11-101 *et seq.* This permit is proposed to be issued for a period of five (5) years.

**Permittee:** Pima County

**Permittee's Mailing Address:** 33 N. Stone, Suite 700  
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**AZPDES Permit No.:** AZS000002

**LTF Number:** 79571

## I. BACKGROUND

The Water Quality Act of 1987 added Section 402(p) of the Clean Water Act, which required that MS4 permits require controls to reduce the discharge of pollutants to the maximum extent practicable, CWA 402(p)(3)(B)(iii). The U.S. Environmental Protection Agency (EPA) developed a phased approach to regulate stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) program. EPA published the final regulations on the first phase of the NPDES stormwater program on November 16, 1990. These regulations, commonly known as the Phase I stormwater regulations, established permit application requirements for discharge from municipal separate storm sewer systems (MS4s) serving a population of 100,000 or more. The term “municipal separate storm sewer” is defined at 40 CFR 122.26(b)(8) as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains)

The Phase I stormwater regulations require an operator of a medium or large MS4 to obtain a NPDES permit for stormwater discharges from the MS4’s separate storm sewer system. The term “large MS4” is defined at 40 CFR 122.26(b)(4) as a municipal separate storm sewer system serving a population larger than 250,000. The U.S. Bureau of Census bases these designations on the population data from the 1990 census. EPA Region 9 issued the original Phase I permits for MS4s operating in Arizona in the late 1990s. Based on the 1990 census, Pima County operates a large MS4.

On December 5, 2002, EPA granted permitting authority to the Arizona Department of Environmental Quality (ADEQ) to implement the NPDES program in Arizona, except for discharges in Indian Country. In Arizona, the NPDES program is administered as the Arizona Pollutant Discharge Elimination System (AZPDES) program. This fact sheet provides rationale and information on the renewal of the Phase I MS4 stormwater permit being issued to Pima County. Both the permit and fact sheet cite federal regulations where specific regulatory language can be referenced. NPDES regulations have been incorporated by reference in the State AZPDES rules in the Arizona Administrative Code (A.A.C. R18-9-A905).

Pima County’s fourth year annual report submitted under its 2011 permit served as the county’s renewal permit application. ADEQ received Pima County’s fourth year annual report in September 2015.

## II. STATUS OF PERMIT

ADEQ issued the Phase I MS4 stormwater permit to Pima County on June 16, 2011, with an effective date of July 18, 2011. In September 2015 the county submitted the fourth year annual report to ADEQ for their renewal of their MS4 permit. The stormwater permit for Pima County MS4 expired on July 17, 2016. The permit remained administratively continued until a new permit was issued, in accordance with A.A.C. R18-9-B904(C).

This permit will be a renewal to Pima County’s Phase I MS4 stormwater permit issued by ADEQ in 2011. ADEQ’s development of this renewal permit included discussions with Pima County and EPA. A review of information was also conducted which included the associated audit report, the existing MS4 permit (AZS000002), the existing fact sheet and other reference materials as appropriate.

ADEQ modified the permit in April 2022 to incorporate new state requirements for dischargers to Protected Surface Waters as defined in A.R.S 49-221(G).

ADEQ modified the permit in the fall of 2022 to change the notification telephone number for 24-hour emergency reporting of spills that may be harmful to human health or the environment.

In the fall 2022 modification, ADEQ also modified the reporting requirements for non-emergency noncompliance events. This information will be included in the next annual report.

### III. SUMMARY OF PERMIT CHANGES

2011 Permit	2020 Permit	Reason for Change
Stormwater Management Program; Appendix A (SWMP Measurable Goals) and Appendix C (SWMP Requirements)	Directly incorporate all Stormwater Management Program requirements into the permit as permit conditions in place of separate appendices. The permit requirements and conditions are fixed, while the SWMP should be annually reviewed and updated during the permit term.	Provide clarity and eliminate confusion. The permit will contain all requirements that will be used to assess compliance.
SWMP: Public Education and Outreach and Public Involvement and Participation	SWMP: Evaluate target groups and changes adopted in response to targeted behaviors. Establish an annual workshop to create opportunity for citizens to participate in development and implementation of the Permittee’s SWMP.	These requirements provide clarity on how the Permittee should respond to public outreach and provide involvement opportunities.
SWMP: Illicit Discharge Detection and Elimination (IDDE)	SWMP: Inspections and screening for non-stormwater discharges into the MS4 may be conducted using the <i>Illicit</i>	To establish clear policies and procedures for tracing and eliminating illicit discharges and to ensure that individual

2011 Permit	2020 Permit	Reason for Change
	<i>Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments</i> or another method of equal or improved effectiveness.	incidents are addressed consistently. New language will provide clarity and certainty for implementing the IDDE program.
SWMP: Post Construction requirement to establish standards and ordinances	SWMP: Implement the established, specific Post Construction measurable standards created under the 2011 permit.	The 2011 permit required the Permittee to develop post-construction standards and ordinances. For the renewal permit ADEQ is requiring implementation of the post-construction standards into the permit.
SWMP: Post Construction no retrofit requirement	SWMP: A feasibility assessment to address exceedances of SWQS through potential retrofitting of existing infrastructure.	Determine feasibility to address repeat high pollutant discharges during the next permit term through retrofitting.
Monitoring Requirements: calculate annual pollutant loading	Removal of requirement for calculating annual pollutant loadings	Based on annual reported data the pollutant loadings have shown little variation. Monitoring data that is collected during the permit term can be used during the next renewal to re-evaluate pollutants of concerns for the MS4.
Monitoring Requirements: 126 Priority Pollutants	Monitoring Requirements: Reduced parameters required for annual wet weather monitoring	Historic data is provided to reduce the required parameters for wet weather monitoring. The reduced table includes parameters that are commonly found in stormwater, have had exceedance in this MS4, or had detectable values that could potentially exceed a surface water quality standard.

2011 Permit	2020 Permit	Reason for Change
Monitoring Requirements: No discharge characterization requirement	Monitoring Requirements: Discharge characterization monitoring during year 4 of the permit term	Analytical characterization monitoring has been added for year 4 of the permit term and includes all other priority pollutants not monitoring throughout the permit term. The characterization data will be used during the next renewal application to re-evaluate the MS4's pollutant of concerns and identify potential changes in stormwater quality during the permit term.
Annual report paper form submittal, largely narrative	Annual report electronic submittal	Electronic reporting rule deadline is December 21, 2020 for annual report requirement. MyDEQ is now available. On February 28, 2020 (85 FR 11909) EPA proposed an extension of the deadline to December 21, 2023. ADEQ is collecting information that is measurable and enforceable.
Report Non-filers by mail semi-annually	Report Non-filers electronically to <a href="mailto:AZPDES@azdeq.gov">AZPDES@azdeq.gov</a> within 30 days of identification	Reporting non-filers as soon as possible allows ADEQ to follow up on these facilities more effectively. Electronic reporting available with the AZPDES inbox.
Submit Discharge Monitoring Reports (DMRs) with annual report in paper form	Submit Discharge Monitoring Reports (DMRs) electronically through myDEQ	Electronic reporting rule deadline was December 21, 2016 for DMRs and myDEQ is now available.
7.12.D Twenty-Four Hour Reporting: The phone number for noncompliance is listed as the AZPDES Hotline at 602-771-1440.	The phone number for emergency noncompliance is 602-771-2330.	To ensure that emergency calls are routed to an attended phone line at ADEQ,
7.12.D paragraph 2 states that for non-emergency noncompliance, the permittee shall provide a written notification to ADEQ within 5 days.	This is now captured in 7.12.E which states the permittee shall report all instances of noncompliance not otherwise required to be reported under this subsection, with their next annual report.	The original language was confusing between emergency noncompliance and other non-emergency noncompliance. This change provides clarity.

2011 Permit	2020 Permit	Reason for Change
Appendix B Annual Report	Added Specific Annual Report Questions	The Pima Co. annual report numbering was revised for consistency.

## IV. SUMMARY OF PERMIT CONDITIONS

### 1.0 Authorization

The 1990 census estimated Pima County's population at approximately 666,880, thus establishing the Permittee as an operator of a large municipal separate storm sewer system under the Phase I stormwater regulations. The 2010 census estimated the county's population at 980,263. This permit applies to discharges from the storm sewer system within the unincorporated boundaries of the county.

### 2.0 Legal Authority

Conditions for the Permittee to establish the legal authority to carry out the permit requirements are specified in Section 2.0 of this permit. Adequate legal authority is required to implement and enforce most parts of the SWMP. (See 40 CFR 122.26(d)(2)(i) and 40 CFR 122.34(b)(3)(ii)(B), (b)(4)(ii)(A), and (b)(5)(ii)(B)). Without adequate legal authority the MS4 would be unable to perform many vital SWMP functions such as performing inspections and requiring installation of control measures. In addition, the permittee would not be able to penalize and/or attain remediation costs from violators.

### 3.0 Arizona Surface Water Quality Standards (SWQS)

The Permittee is required to protect water quality by ensuring, to the maximum extent practicable, that no discharge causes or contributes to an exceedance of any surface water quality standard applicable to a water of the U.S. receiving discharges from the MS4. To do so, the Permittee is to fully implement and maintain the provisions of their SWMP and all other requirements of this permit.

Under 3.2.B, if the cause of a SWQS exceedance cannot be addressed by implementing Permit conditions, e.g. application of illicit discharge screening measures or focused public outreach and education, then a plan must be created and submitted to ADEQ for review and approval. Examples of routine and ubiquitous stormwater pollutants include E. coli and copper. This plan requirement would apply only in unique circumstances where the Permit simply cannot address the particular pollution problem, e.g. an illicit discharge of PCB-laden transformer oil that seriously contaminates MS4 infrastructure and the surface water. ADEQ shall provide a review and approval within 30 calendar days.

At the time of permit issuance, the Permittee has no applicable TMDLs or WLAs to meet. Section 3.4 of the permit addresses potential discharges from the MS4 to impaired waters. There are various requirements the Permittee will have to meet if a water of the U.S. receiving discharges from the MS4 becomes listed on the most current version of Arizona's 303(d) list and not-attaining waters listed in the 305(b) Assessment Report.

#### 4.0 Stormwater Management Program (SWMP)

##### 4.1 Program Implementation

The Phase I stormwater regulations [40 CFR 122.26(d)(2)(iv)] identified the following general components of a SWMP:

1. Measures to reduce pollutants from commercial and residential areas;
2. Measures to control illicit connections and illegal dumping to the storm sewer system;
3. Measures to reduce pollutants from industrial facilities; and
4. Measures to reduce pollutants from construction sites.

The Phase I regulations on SWMP requirements are specified in 40 CFR 122.26(d) and are incorporated by reference into the state rules.

##### 4.2 Public Education and Outreach

The public education and outreach program must be tailored and targeted to specific water quality issues of concern in the relevant community. These community-wide and targeted issues must then guide the development of the comprehensive outreach program, including the creation of appropriate messages and educational materials. The permit includes a list of potential residential and commercial issues, but the permittee may also choose other issues that contribute significant pollutant loads to stormwater.

The underlying principle of any public education and outreach effort is to change behaviors. The Permittee must develop a process to assess how well its public education and outreach programs are changing public awareness and behaviors and to determine what changes are necessary to make its public education program more effective. This assessment of public education programs is typically conducted via phone surveys, but other assessment methods that quantify results can be used. The Permittee is encouraged to use a variety of assessment methods to evaluate the effectiveness of different public education activities. The permit requires that the first evaluation assessment be conducted before

the final year of the Permittee's coverage under this permit, before the next permit is issued.

#### 4.3 Public Involvement and Participation

This permit requires the involvement of the public, which includes an annual public SWMP workshop to solicit feedback on the stormwater program, and opportunities for citizens to participate in implementation of the stormwater program. Public participation in implementation of the stormwater program can include many different activities such as stream clean-ups, storm drain markings, and volunteer monitoring. Permittees are encouraged to work together with other entities that have an impact on stormwater (for example, schools, homeowner associations, DOTs, other MS4 permittees). Permittees are also encouraged to use existing processes in order to implement these public involvement requirements.

#### 4.4 Illicit Discharge Detection and Elimination (IDDE)

The Clean Water Act, section 402(p)(3)(B)(ii) requires MS4 permits to "effectively prohibit non stormwater discharges into the storm sewers." The permit implements this requirement by requiring the development of procedures to investigate and eliminate illicit discharges. Additionally, a reporting format is introduced to standardize how illicit discharges are reported to ADEQ in the annual report.

The map in Appendix C is of water bodies that may be considered protected surface waters in Pima County and the areas draining directly to these water bodies, as determined by Pima County. This Permit applies to the County's MS4; a map of known WOTUS and areas that drain directly to WOTUS gives the County surety in where their Permit must be applied. The Permittee created this map by marking the two areas of the Santa Cruz that are Traditionally Navigable Waters (TNW), and thus unequivocally WOTUS protected surface waters., and mapping perennial or intermittent tributaries to the TNWs, using a Typical Year analysis based on decades of flow data, to determine the extent of protected surface waters in the County. Then the Permittee mapped areas draining directly to those water bodies. This is a sound methodology, consistent with the EPA's Navigable Waters Protection Rule (NWPR) recommendation to use the best available data. The County and ADEQ agree to use this map as a baseline to establish applicability and review and revise it annually as mapping improves, as infrastructure is built, and/or as the definition of WOTUS becomes clearer.



The Permittee's Capacity, Management, Operations and Maintenance (CMOM) plan applies to the Pima County sewage conveyance system. In the CMOM, contingency plans for Sanitary Sewer Overflows (SSOs) are documented. The CMOM's SSO provisions meet the requirements of the Permit's IDDE requirements in 4.4.A, which requires the Permittee to "implement a program to detect, investigate, and eliminate non-stormwater discharges including dumping and spills, into its system." However, the CMOM does not address Permit requirements under 4.4.F, G, H, and I and cannot be considered a complete substitution for all SSOs.

#### 4.5 County Owned or Operated Facilities Pollution Prevention and Good Housekeeping Practices

Municipally-owned or operated facilities serve as hubs of activity for a variety of municipal staff from many different departments. Some municipalities will have one property at which all activities take place (e.g., the municipal maintenance yard), whereas others will have several specialized facilities such as those listed above. A comprehensive list and map of such facilities will help staff responsible for stormwater compliance build a better awareness of their locations within the MS4 service area and their potential to contribute stormwater pollutants. The facility inventory will also serve as a basis for setting up periodic facility assessments and developing, where necessary, facility stormwater pollution prevention plans.

The listed activities in Section 4.5.D shall be addressed to reduce stormwater impacts associated with runoff from all lands owned and operated by the Permittee. Where an entity has an easement to Permittee-owned lands that effectively prohibit the Permittee from "operating," this section does not apply. For example, if the Federal Energy Regulatory Commission (FERC) has a utility easement on Permittee-owned land that gave operational control of those utilities to FERC, activities such as "Utility installation" (4.5.D.1.d) would not apply; the Permittee must own *and* operate the land for these stormwater controls to apply.

#### 4.6 Industrial and Commercial Facilities (Non-county Owned)

MS4 permits must address stormwater discharges to the MS4 from industrial and commercial facilities. The permit requires MS4 permittees to continue to implement an inspection and oversight program to monitor and control pollutants in stormwater discharges to the MS4 from industrial and commercial facilities. The Permittee is required to continue to implement and maintain an inventory of known industrial and commercial facilities that

are identified in 40 CFR 122.26(d)(2)(iv)(C) which may be significant sources of pollutants and have the potential to discharge to the MS4.

#### 4.7 Construction Sites

MS4 permits must address construction-related requirements (and often more specific state requirements) found in the following Federal regulations – Phase I MS4 Regulations 40 CFR 122.26(d)(2)(iv)(D).

Stormwater discharges from construction sites generally include sediment and other pollutants such as phosphorus and nitrogen, turbidity, pesticides, petroleum derivatives, construction chemicals, and solid wastes that may become mobilized when land surfaces are disturbed. The permit requires MS4 permittees to require construction site operators at defined sites to meet certain minimum stormwater requirements relating to erosion and sediment control and pollution prevention, and to meet other restrictions imposed on them by the State, or local regulations. These minimum requirements clearly specify the expectations for addressing erosion control, sediment control, and pollution prevention control measures at construction sites.

#### 4.8 Post-Construction

Developed land changes the hydrology of sites, increasing impervious surfaces which lead to higher stormwater discharge volumes and higher pollutant loads. The purpose of implementing a post-construction standard under 4.8.B.1 is to reduce stormwater pollutants by maintaining or restoring stable hydrology in receiving waters thereby protecting water quality by having post-construction hydrology mimic the original natural hydrology of the area.

The applicable post-construction standards are documented in the 2015 Design Standards for Stormwater Detention and Retention for Pima County. Pima County Design Standards require first flush retention of 0.5 inch of rainfall from all newly disturbed or impervious areas.

Section 4.8.B.1.a also provides that “the Permittee may also implement a program of equivalent efficacy, provided that such a program’s adequacy is documented by the Permittee prior to discharge.” A common example of such an equivalent program would be an update or change to the Permittee’s stormwater standards manual. Such updates or changes are

common, e.g. from a 2015 version to a 2021 version. So long as the updates or changes do not lessen environmental protections from the version referenced in the permit such changes are permissible.

The retrofits section under 4.8.B.2 addresses the continued discharge of stormwater pollutants from areas of existing development. Per CWA 402(p)(3)(B)(iii), ADEQ must issue MS4 permits that,

shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.

To meet this requirement, the permit requires the Permittee to conduct a feasibility assessment for potentially retrofitting existing post-construction structural stormwater controls. Retrofit techniques can be used to reduce stormwater pollutants, minimize channel erosion, and help restore stream hydrology. The feasibility assessment will evaluate various factors such as stormwater pollutant control measures, feasibility, cost effectiveness, land owner cooperation, and expected improvement of water quality. This feasibility assessment will be submitted during the fourth year of the permit term so that ADEQ can review and determine the appropriate implementation of retrofitting into the next permit renewal.

To address urban runoff from existing developed sites, EPA has issued policy and guidance for MS4 permit writers that encourages the development of a retrofit requirement, even as long ago as 1996<sup>1</sup>. ADEQ agrees with EPA that retrofit techniques are an appropriate expression of the Maximum Extent Practicable standard and has incorporated such requirements into this permit. EPA's 2010 MS4 Permit Improvement Guide recommends that retrofit requirements be considered for MS4 permits to better control pollutants in runoff from existing development. For these reasons, a feasibility assessment to retrofit existing developed sites is included in the draft permit.

During the first year of the permit term under 4.8.B.2, the Permittee will evaluate its MS4 for three (3) areas for which they will perform a retrofit feasibility assessment. When the Permittee creates this proposal, the Permittee needs to identify three (3) areas to potentially apply retrofits

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<sup>1</sup> See EPA's Interpretive Policy Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems (1996) and The MS4 Permit Improvement Guide (2010).

within the watershed. The Permittee will submit the proposed areas with supporting documentation with the first year annual report so that ADEQ can review and approve the areas before the Permittee begins the feasibility assessment. ADEQ will review and approve the proposal within 45 business days of the annual report submission. This will provide an opportunity for ADEQ to provide any additional guidance for the Permittee prior to performing the feasibility assessment of the approved areas.

The feasibility assessment under 4.8.B.3 directs the Permittee to create an inventory of potential retrofit locations and prioritization scheme for that inventory. This requirement does not obligate the Permittee to create a plan for the entire MS4. A Permittee could create a retrofit feasibility assessment to address a particular water quality problem in a water body that is an amenity or attraction for the public, or focus their retrofit efforts on an existing floodplain or habitat restoration effort.

Guidance on retrofit options and the development of a retrofit feasibility assessment can be found in the Center for Watershed Protection's guidance on Urban Stormwater Retrofit Practices (available at [www.cwp.org](http://www.cwp.org) as Manual No. 3 under the Urban Subwatershed Restoration Manual Series). The Manual "focuses on stormwater retrofit practices that can capture and treat stormwater runoff before it is delivered to the stream. The manual describes both off-site storage and on-site retrofit techniques that can be used to remove stormwater pollutants, minimize channel erosion, and help restore stream hydrology. Guidance on choosing the best locations in a subwatershed for retrofitting is provided in a series of 13 profile sheets. The manual then presents a method to assess retrofit potential at the subwatershed level, including methods to conduct a retrofit inventory, assess candidate sites, screen for priority projects, and evaluate their expected cumulative benefit. The manual concludes by offering tips on retrofit design, permitting, construction, and maintenance considerations."<sup>2</sup> Additionally, the Manual has a wealth of references to the effectiveness of retrofits in the bibliography that can provide the Permittee further information on the topic.

Additional resources that can help meet the requirements of the retrofit feasibility assessment:

- [Pima County Low Impact Development and Green Infrastructure Guidance Manual, 2015](#)
- [2015 LID Toolkit prepared for City of Mesa, AZ](#)
- [2018 Greater Phoenix Green Infrastructure & Handbook](#)
- [2020 Sonoran Desert Green Infrastructure Resource Library](#)

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<sup>2</sup> Urban Subwatershed Restoration Manual 3 at iii.

## 5.0 Monitoring Requirements

Monitoring conditions were developed to meet the following objectives:

- To characterize stormwater quality and identify stormwater pollutants;
- To detect and eliminate illicit discharges; and
- To evaluate the effectiveness of specific control measures and the SWMP as a whole, in minimizing the discharge of pollutants.

ADEQ has removed the term ‘measurable storm’ event and clarified it as a ‘qualifying storm event’ for the purposes of wet weather monitoring. A “qualifying storm event” is measured as 0.2 inches and results in a discharge. The measured value does not indicate an intensity. In the event that there is a representative amount of discharge to collect a sample prior to 0.2 inches, the Permittee can collect the sample. The sample will be considered acceptable for a qualifying storm event.

Another monitoring condition retained in this permit requires that stormwater samples include whenever possible the “first flush” (first 30 minutes of stormwater discharge) of a qualifying storm event to identify initial pollutants that may shock surface waters, as well as assess the effectiveness of structural controls, such as retention basins, in managing the first flush of pollutants. The first flush may also be effective in detecting non-stormwater discharges to the stormwater system because such pollutants may be flushed out of the system during the initial portion of the discharge. This permit requires the Permittee to maintain monitoring records, including the volume, duration, and flow rate of stormwater discharge.

There has been limited data on stormwater quality across Arizona for several years. Since 2010 the Phase I MS4s in Arizona have been sampling wet weather events for all priority pollutants. For this permit the list of parameters has been significantly reduced to included parameters of concern and parameters commonly found in stormwater across Arizona. By characterizing past stormwater quality data and analyzing the potential for pollutants in the future, the reduced list of parameters allows the Permittee to focus on the pollutants of concern and implement the proper control measures to reduce pollutants to the maximum extent practicable.

Section 5.2.D requires the Permittee to conduct wet weather monitoring at five (5) outfalls or monitoring locations that are representative of stormwater pollution from 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 utilize interim monitoring points or field screening points within the MS4 to perform analytical monitoring because an outfall or point of discharge is inaccessible or may mix with other waste streams.

The selected monitoring locations must be representative of the land use activities within the drainage area contributing stormwater pollution to the MS4 and ultimately discharging to a water of the U.S. The existing monitoring locations designated in the 2011 permit meet the requirements and criteria for Section 5.2.D. The designated monitoring locations must remain the same the entire permit term to ensure consistent analytical monitoring data and help identify trends.

## 6.0 Reporting Requirements

### 6.1 Discharge Monitoring Reports (DMRs)

This permit requires the Permittee to conduct wet weather sampling throughout the permit term. For this permit discharge monitoring records (DMRs) through myDEQ will be available for the Permittee to submit their monitoring results. The reports will be electronically submitted along with the following:

1. Original copies of laboratory reports
2. Bench sheets or similar documentation for field testing parameters
3. Reports for SWQS exceedances

### 6.2 Annual Report

The requirement for submitting an annual report on the status of the stormwater management program is retained from the 2011 permit. Similarly, this permit requires that the Permittee submit an annual report that summarizes the progress of the SWMP and findings of monitoring events for each year of the permit term. This permit has included an updated Annual Report that simplifies and clarifies the information required to be reported for compliance purposes. An annual report form is included in Appendix A of the permit and will be available electronically through myDEQ during the permit term.

### 6.3 Renewal Application

This permit requires that a renewal application is submitted at least 180 days prior to expiration of the permit. Information required in Appendix B will serve as the Permittee's renewal application. All information listed in Appendix B will be submitted to ADEQ at [AZPDES@azdeq.gov](mailto:AZPDES@azdeq.gov) to ensure the Permittee meets renewal application requirements specified in A.A.C. R18-9-B904(B).

#### 6.4 Non-filers

The non-filer reporting condition is retained in this permit for the MS4 to report any identified construction activities or industrial activities occurring without an AZPDES permit to discharge stormwater associated with those activities (e.g., CGP and MSGP non-filers). The determination that an operator is lacking AZPDES permit coverage will be based on inspection of the site or facility, or other information available to the Permittee, such as public complaints, business licenses, building permits, and other city records. The Permittee has no obligation to enforce the state requirement to obtain permit coverage, but general information about the construction project or industrial facility is to be collected and provided to ADEQ within 30 days of identification. This reporting can be accomplished by e-mail to the [AZPDES@azdeq.gov](mailto:AZPDES@azdeq.gov) inbox. The subject line for the non-filer report should include "Non-filer - MS4 Permittee Name - AZPDES Permit Number."

#### 7.0 Standard AZPDES Permit Conditions & Notification

In accordance with 40 CFR 122.41, conditions applicable to all NPDES permits are included in Section 7.0 of this permit. Other standard conditions are specified in this permit in accordance with 40 CFR 122.21, 122.22, 122.64, Arizona Revised Statutes, and the Clean Water Act.

Section 7.12.D of this permit was revised to replace the AZPDES Hotline phone number for emergency noncompliance calls with the ADEQ Spill Line at 602-771-2330.

Section 7.12.E of this permit was revised to clarify reporting of non-emergency noncompliance. This reporting will now happen with the next annual report.

#### Appendix B: Annual Report

The Pima Co. annual report listed in Appendix B was found to have inconsistencies on numeric citations and a few questions were not showing in the report that had associated permit requirements. Minor changes to numbering were completed.

## **V. ADMINISTRATIVE INFORMATION**

### Public Notice (A.A.C. R18-9-A907)

The public notice is the vehicle for informing all interested parties and members of the general public of the contents of a draft AZPDES permit or other significant action with respect to an AZPDES permit or application. The basic intent of this requirement is to ensure that all interested parties have an opportunity to comment on significant actions of

the permitting agency with respect to a permit application or permit. This permit will be public noticed in a local newspaper after a pre-notice review by the applicant and other affected agencies.

Public Comment Period (A.A.C. R18-9-A908)

Rules require that permits be public noticed in a newspaper of general circulation within the area affected by the facility or activity and provide a minimum of 30 calendar days for interested parties to respond in writing to ADEQ. After the closing of the public comment period, ADEQ is required to respond to all significant comments at the time a final permit decision is reached or at the same time a final permit is actually issued.

Public Hearing (A.A.C. R18-9-A908(B))

A public hearing may be requested in writing by any interested party. The request should state the nature of the issues proposed to be raised during the hearing. A public hearing will be held if the Director determines there is a significant amount of interest expressed during the 30-day public comment period, or if significant new issues arise that were not considered during the permitting process.

EPA Review (A.A.C. R18-9-A908(C))

A copy of this draft permit and any revisions made to this draft as a result of public comments received will be sent to EPA Region 9 for review. If EPA objects to a provision of the draft, ADEQ will not issue the permit until the objection is resolved.

## **VI. ADDITIONAL INFORMATION**

Additional information relating to this proposed permit may be obtained from:

Arizona Department of Environmental Quality  
Water Quality Division – Surface Water Permits Unit  
Attn: Rosi Sherrill  
1110 West Washington Street  
Phoenix, Arizona 85007

Or by contacting Rosi Sherrill at (602) 771 – 4409 or by e-mail at [sherrill.laurie@azdeq.gov](mailto:sherrill.laurie@azdeq.gov).