Arizona Department of Transportation

STORMWATER MANAGEMENT PLAN

Prepared by the Arizona Department of Transportation
Environmental Planning, Water Resources Section
As required by AZPDES Permit No. AZ5000018-2015
Revised February 2017
## Table of Contents

EXECUTIVE SUMMARY ...................................................................................................................... 1

AUTHORIZATION ........................................................................................................................................ 2

PROTECTION OF WATER QUALITY AND COMPLIANCE WITH ARIZONA WATER QUALITY STANDARDS ...... 4
  Total Maximum Daily Loads .................................................................................................................. 4
  Exceedance ........................................................................................................................................... 6

LEGAL AUTHORITY ...................................................................................................................................... 8
  Statutes .................................................................................................................................................. 8
  Specifications ......................................................................................................................................... 10
  Roles and Responsibilities .................................................................................................................... 10

STORMWATER MANAGEMENT PROGRAM / PLAN ........................................................................... 11

MAPPING THE MS4 .................................................................................................................................... 13

ILlicit DISCHARGE DETECTION AND ELIMINATION ............................................................................. 14
  Inspections ............................................................................................................................................ 14
  Investigation and Elimination .................................................................................................................. 15
  Spills .................................................................................................................................................... 15

STORMWATER MANAGEMENT OF DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY .......... 16
  Maintenance .......................................................................................................................................... 16
  Construction ......................................................................................................................................... 17
  Third Party .......................................................................................................................................... 17
  New Development and Redevelopment ............................................................................................... 18
  Tracking .............................................................................................................................................. 18

MEASURES TO CONTROL DISCHARGES FROM ROADWAYS .............................................................. 19
  Storm Sewer System and Highway Maintenance .................................................................................... 20
  Vegetation Management .......................................................................................................................... 20
  Erosion Abatement ................................................................................................................................. 21
  Retrofit ............................................................................................................................................... 21
  Winter Storm ....................................................................................................................................... 21

TRAINING .................................................................................................................................................. 22
  Staff ...................................................................................................................................................... 22
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor</td>
<td>23</td>
</tr>
<tr>
<td>PUBLIC OUTREACH AND EDUCATION / PUBLIC INVOLVEMENT AND PARTICIPATION</td>
<td>24</td>
</tr>
<tr>
<td>Intergovernmental Coordination</td>
<td>25</td>
</tr>
<tr>
<td>DISCHARGES FROM ADOT FACILITIES AND ACTIVITIES</td>
<td>27</td>
</tr>
<tr>
<td>Site Inventory and Prioritization</td>
<td>27</td>
</tr>
<tr>
<td>Best Management Practices</td>
<td>27</td>
</tr>
<tr>
<td>Pollution Prevention Plans</td>
<td>27</td>
</tr>
<tr>
<td>Facility Inspections</td>
<td>27</td>
</tr>
<tr>
<td>MONITORING REQUIREMENTS</td>
<td>28</td>
</tr>
<tr>
<td>REPORTS, RECORDS, AND STANDARDS</td>
<td>32</td>
</tr>
<tr>
<td>STANDARD CONDITIONS</td>
<td>33</td>
</tr>
</tbody>
</table>
EXECUTIVE SUMMARY

The Arizona Department of Transportation (ADOT) Stormwater Management Plan (SWMP) identifies the major program and procedures implemented by the agency to minimize, to the extent practicable, the release of pollutants to and the discharge of pollutants from the ADOT municipal separate storm sewer system (MS4). ADOT’s MS4 permit was most recently issued on August 17, 2015, and contains the requirements for ADOT to implement and maintain the program described in this document.

The flow of the SWMP mirrors the order of the MS4 Permit. Each chapter begins with an overview in bold, and primary divisions responsible/affected. Program requirements, a discussion of activities to be implemented, and tracking and reporting measurements follow, as applicable, in each section.
**AUTHORIZATION**

The MS4 Permit allows ADOT to discharge potentially polluted runoff from roadways and associated support activities, like maintenance yards and administrative buildings that are located on non-tribal land and under the control of the state transportation department. Stormwater and allowable non-stormwater (from Tale 1.1 in the MS4 Permit) are permitted to leave the highway or facility as long as control measures, such as good housekeeping and water quality protection, are in place. This chapter covers the basic information on permittee activity.

*Key Groups: Director’s Office, State Engineer’s Office, Administrative Services Division*

This Stormwater Management Program / Plan provides a basis for compliance with the Arizona Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit (MS4 Permit) issued to ADOT on August 17, 2015, permit number AZS0000018-2015.

This SWMP applies to the municipal separate storm sewer system, including interstates, highways, state routes, and loops in the state highway system. Highways and routes maintained by ADOT that transect tribal land are subject to requirements imposed by the US Environmental Protection Agency and are not part of this stormwater management program. Maintenance facilities that are not subject to industrial stormwater permit are authorized discharge runoff.

ADOT imposes control measures for allowable non-stormwater discharges. However, ADOT is not authorized to discharge any non-stormwater to impaired or not-attaining waters, or any Outstanding Arizona Waters, unless ADOT obtains a separate discharge permit, or the activity is associated with emergency fire-fighting efforts (e.g., burning vehicle within the MS4). See Measures to Control Discharges from Roadways.

ADOT is not authorized to discharge any pollutant into any receiving water for which a total maximum daily load has been established unless specific control measures are employed to ensure that the discharge will conform to the requirements of the total maximum daily load and allocation assigned to ADOT. See Protection of Water Quality and Compliance with Arizona Water Quality Standards.

Other types of ADOT activities, such as, construction, industrial, and herbicide application in waters of the United States, are subject to specific permits, and in some cases there may be additional requirements that are above and beyond those permits.

Construction projects subject to the AZPDES or NPDES Construction General Permits (CGPs) will describe in the project-specific stormwater pollution prevention plan (SWPPP) the control measures to be implemented to manage non-stormwater discharges. Table 1 below describes non-stormwater discharge control measures that will be implemented for activities typical to ADOT.

<table>
<thead>
<tr>
<th>Non-stormwater Discharge</th>
<th>Control Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscape watering</td>
<td>Do not discharge effluent; follow pesticide label; minimize runoff</td>
</tr>
<tr>
<td>Dust control</td>
<td>Do not discharge effluent</td>
</tr>
<tr>
<td>Compaction</td>
<td></td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------------------------------------------------------------</td>
</tr>
<tr>
<td>External washing of buildings</td>
<td>Do not use chemicals or toxic cleaning agents</td>
</tr>
<tr>
<td>Tunnel washing</td>
<td></td>
</tr>
<tr>
<td>Sign washing</td>
<td></td>
</tr>
<tr>
<td>Water line and well flushing</td>
<td>Hold onsite or dechlorinate to decrease total residual chlorine</td>
</tr>
<tr>
<td>Groundwater pumping</td>
<td>Minimize erosion</td>
</tr>
<tr>
<td>Footing drains</td>
<td></td>
</tr>
<tr>
<td>Evaporative cooler/AC</td>
<td>Minimize erosion, allow evaporation</td>
</tr>
<tr>
<td>Diverted flows, riparian area, wetland</td>
<td>Follow 404/401 water quality certification</td>
</tr>
<tr>
<td>Drilling and coring</td>
<td>Settle particulates</td>
</tr>
<tr>
<td>Dewatering</td>
<td>Settle particulates, prevent erosion</td>
</tr>
<tr>
<td>Emergency highway operations</td>
<td>Be specific for need, apply as needed to scenario, track quantities, follow-up</td>
</tr>
<tr>
<td>-Spills</td>
<td></td>
</tr>
<tr>
<td>-Washing</td>
<td></td>
</tr>
<tr>
<td>-Microblaze</td>
<td></td>
</tr>
<tr>
<td>-Absorbent</td>
<td></td>
</tr>
</tbody>
</table>
PROTECTION OF WATER QUALITY AND COMPLIANCE WITH ARIZONA WATER QUALITY STANDARDS

Arizona Department of Environmental Quality and United States Environmental Protection Agency are charged with protecting water quality and will issue discharge permits with standard conditions for all permittees. Some permittees will be assigned more stringent controls, as stipulated in the issued permit. Often the control measure is in the form of a load allocation that depends on the ability of the receiving water to assimilate or naturally treat or convert pollutants without affecting the natural stream function. The quantity of pollutant a system can manage is identified in terms of a numeric standard. Waterways and standards are evaluated periodically and this results in the need to review waterbody status often throughout project development and on-going roadway maintenance activities.

Key Groups: Water Resources, Districts

Total Maximum Daily Loads
Total Maximum Daily Loads (TMDL) estimate the amount of a pollutant that a water body can assimilate, i.e., take up, and still meet applicable water quality standards\(^1\). The TMDL accounts for all potential sources of the pollutant in the watershed and assigns a load allocation to each permittee that is expected to discharge stormwater. In the absence of a load allocation for ADOT, then ADOT will be held to the applicable surface water quality standard (SWQS) (for the pollutant of concern at the point of discharge). Table 2 summarizes the TMDLs, load allocations, and control measures pertinent to the ADOT MS4. Granite Creek is also impaired for dissolved oxygen. However, ADOT does not contribute to this impairment and is not required to sample for it.

ADOT’s control measure implementation relies on stored and standard specifications, design plans, and environmental commitments and clearance documents to direct District personnel and contractors regarding permit compliance and pollution prevention. Additionally, ADOT relies on various best management practices manuals to provide guidance regarding selection, installation, and maintenance of pollution control measures. Additionally, ADOT’s stormwater management program will utilize public outreach/education, coordination with other MS4s, and treatment as necessary to meet wasteload allocations.

Table 2. TMDL Information as Applicable to ADOT

<table>
<thead>
<tr>
<th>TMDL</th>
<th>Waste Load Allocation</th>
<th>Control Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Granite Creek (E. Coli)</td>
<td>4.3 G-cfu/day (Upper USGS Gauge) and 14.5 G-cfu/day (Lower USGS Gauge), 235 cfu/100ml</td>
<td>Comply with AZPDES permits, Conduct public outreach/education, Coordinate with adjacent MS4s, Identify construction site specific measures in project SWPPPs (per ADOT Erosion and Pollution Control Manual), conduct monitoring as necessary.</td>
</tr>
<tr>
<td>San Pedro</td>
<td>235 cfu/100ml (E. Coli, Full Body Contact), 575 cfu/100 ml (E. Coli, Partial Body Contact)</td>
<td>Comply with AZPDES permits. Use control measures specific to the pollutants in SWPPPs. Monitor on construction projects within ¼ mile of the impaired reach, if necessary. Conduct public outreach/education, Coordinate with adjacent MS4s.</td>
</tr>
<tr>
<td>Oak Creek (E. Coli)</td>
<td>235 cfu/100ml</td>
<td>Comply with AZPDES permits, Conduct public outreach/education, Coordinate with adjacent MS4s, Identify construction site specific measures in project SWPPPs (per ADOT Erosion and Pollution Control Manual), conduct monitoring as necessary.</td>
</tr>
<tr>
<td>Gila River</td>
<td>2.0 µg/L (Selenium); 1000 µg/L (Boron)</td>
<td>Comply with AZPDES permits. Use control measures specific to the pollutants in SWPPPs. Monitor on construction projects within ¼ mile of the impaired reach, if necessary. Conduct public outreach/education, Coordinate with adjacent MS4s.</td>
</tr>
<tr>
<td>Little Colorado River</td>
<td>235 cfu/100ml (E. Coli, Full Body Contact), 575 cfu/100 ml (E. Coli, Partial Body Contact)</td>
<td>Comply with AZPDES permits. Use control measures specific to the pollutants in SWPPPs. Monitor on construction projects within ¼ mile of the impaired reach, if necessary. Conduct public outreach/education, Coordinate with adjacent MS4s.</td>
</tr>
</tbody>
</table>

ADOT monitors stormwater discharges at representative locations to measure pollutants associated with highway runoff in the MS4. Monitoring data identifies the pollutants in runoff and lab results
detect exceedances of surface water quality standards. Should a pollutant concentration in highway runoff be greater than the surface water quality standard and recurs more than once at an outfall, ADOT will investigate to locate the potential source of the pollutant(s). Additionally, ADOT will evaluate the control measures to formulate the necessary adjustment in control measures to achieve reduction of the pollutant to meet the surface water quality standard.

To determine if TMDL or SWQS is impacted by MS4 operations, it’s necessary to monitor. The ADOT monitoring program includes five MS4 outfalls that are fitted with autosampling equipment, which collects samples when greater than 0.1 inch is registered at the onsite rain gauge. ISCO samplers are managed by a consultant team that maintains the equipment and associated software. See Monitoring Requirements for additional details.

**Exceedance**

The most common pollutants found to exceed water quality standards throughout the past permit term were *E. coli*, lead, and nitrates. Arizona has several watersheds with individual receiving waters that are impaired for *E. coli*. One of five locations that are sampled generally meets the water quality standard. That location discharges to Oak Creek, which is an Outstanding Arizona Water and impaired for *E. coli*, and receives stormwater from a manufactured treatment device—a Stormceptor. The other four locations, which do not contain treatment devices, consistently exceed the allowable concentration.

Exceedances of water quality standards will be reported annually by including the following: sampling date, monitoring location, water of US that received the discharge and the standard that was exceeded, laboratory results of the sampling effort, if the same pollutants have been detected more than once at an outfall, the effort to identify potential sources of the pollutant, circumstances that may have caused or contributes to the recurrence(s), recommended actions for reducing the pollutant in discharges, and, if applicable, a schedule for implementing the recommended action.

If the exceedance may endanger health or the environment, ADOT will report the information to the 24-hour hotline (602.771.2330) and follow-up with written correspondence within five days. Correspondence will be made in writing and signed by a principal executive officer or ranking elected official, chief executive having responsibility for the overall operations of a principal geographic unit of the agency (district engineer, program manager), or duly authorized representative (supervisor, program coordinator).

ADOT currently proposes outreach and continued education regarding the pollutant rather than treating the outfalls via costly infrastructure. In Arizona, concentrations of the pollutant have been high among all municipal permittees and samples taken in the four regions, not treated, indicate that a background concentration of bacteria is prevalent. ADOT will seek to coordinate with adjacent MS4s, as appropriate, in addition to providing public outreach/education. ADOT also proposes sampling/monitoring to better clarify ADOT’s contributions of the pollutants to the system and evaluate BMPs currently in use.

The annual report will contain an update and evaluation of the activities conducted and planned to address TMDLs. The report will also include monitoring results for the prior five sampling years, or ten
seasons. ADOT Water Resources will assure that control measures are evaluated for all exceedances of water quality standards and that trends are provided.
LEGAL AUTHORITY
ADOT has control over the highway system, either by ownership, lease agreement or title transfer and is responsible to manage the system according to a myriad of laws, statutes, and codes. The Legislature has granted the ADOT Director the complete and exclusive operational control over state highways and routes. This authority is delegated to the Deputy of Transportation, also known as the State Engineer. The responsibility for the highways and yards, or support activities, is further delegated to District Engineers and Administrative Services, with support from several headquarters divisions.

Key Groups: Infrastructure Development and Operations, Administrative Services Division

ADOT maintains authority to regulate discharges to its MS4 via Arizona Revised Statutes (A.R.S. §) and contract specifications. Roles and responsibilities to carry out this authority are spread statewide. ADOT relies on state statute to specify authority, roles, and responsibility and does not currently have SWMP-related agreements/procedures/or memorandums set up with other agencies. ADOT follows state statute regarding enforcement actions.

Statutes
A.R.S. § 28-7045. Director; state highway and route use; rules
The director shall exercise complete and exclusive operational control and jurisdiction over the use of state highways and routes and adopt rules regarding the use as the director deems necessary to prevent the abuse and unauthorized use of these highways and routes.

A.R.S. § 28-7053. Misuse of public highway or airport; violation; classification; injunction; definition
A. A person who commits or causes to be committed any of the following acts is guilty of a petty offense:
1. Places or maintains an encroachment or obstruction on, makes any use of or otherwise occupies a public highway or airport of this state or any of its political subdivisions for any purpose other than for authorized public travel, communication, transportation or transmission, except as otherwise provided in this section.
2. Places or maintains an encroachment or obstruction on, uses, occupies, damages or otherwise interferes with a public highway, airport or public bridge, causeway, viaduct, trestle or dam, unless either:
   (a) Authorized by the director, if it is a state highway or structure or airport facility.
   (b) Authorized by the governing body of the political subdivision in which the act is committed, if it is not a state highway or structure or airport facility.
3. Knowingly molests or destroys any part, projection, structure, appurtenance or accessory of a public highway or airport or destroys or otherwise interferes with a drainage ditch constructed for the protection of a public highway or airport or a dike, ditch, levee or jetty or an embankment appurtenant to a drainage ditch constructed for the protection of a public highway or airport.
4. Knowingly destroys or interferes with a ford, dip, culvert or crossing of a creek, gulch, river or stream by digging away the banks or by damming, deepening or widening a creek, gulch, river or stream to divert waters on the public highway or airport or to cause injury or damage to the public highway or airport by flooding or otherwise.
5. Knowingly places or maintains a vehicle, aircraft or structure parked or placed wholly or partly within a public highway, runway or taxiway specifically for the purpose of selling the vehicle, aircraft or structure or of selling or specifically advertising the sale of, at any location, an article, service or thing.
6. Knowingly stores, services, repairs or otherwise works on a vehicle wholly or partly within a highway other than on a vehicle that is temporarily disabled.
7. Knowingly removes, damages or destroys a tree or shrub standing on a highway right-of-way.
8. Knowingly obstructs or injures a public highway, runway or taxiway by causing or permitting flow or seepage of water under the person’s control to escape onto the highway, runway or taxiway.
B. Each day of violation of any provision of subsection A of this section is a separate violation on failure to remove or to diligently prosecute the removal of an encroachment after notice under section 28-7054. Each encroachment shall be treated as a separate violation.
C. In addition to the penalties prescribed by this section, an act in violation of this section is a public nuisance and may be abated by an injunction. A person who commits the act is subject to an action for damages by this state brought by the attorney general or the county attorney of the county in which the act is committed on direction of the attorney general.
D. This section does not apply to:
   1. Department personnel or agents performing normal construction and maintenance functions.
   2. A person who has prior authorization in writing from the director to perform any of the acts referred to in this section.
E. For the purposes of this section, "encroachment" includes a structure or object of any kind or character that is placed in, under or over a portion of the public highway or airport.

A.R.S. § 28-7054. Highway or airport encroachments; additional remedies
A. If an encroachment is a fixed advertising device or a movable object, notice for the removal of the encroachment may be given to the occupant or owner of the reversionary interest of the land or person causing or owning the encroachment by personal service or by registered or certified mail at the person’s place of residence if known, and if unknown, notice may be posted on the encroachment.
B. If it is a highway encroachment, the notice shall specify the width of the highway and the place and extent of the encroachment and shall require the removal of the encroachment within thirty days thereafter if the encroachment is a fixed advertising device and within fifteen days after notice is given or posted if the encroachment is a movable object.
C. If it is an airport encroachment, the notice shall specify the location of the runway or taxiway and the place and extent of the encroachment and shall require the removal of the encroachment within thirty days thereafter if the encroachment is a movable object.
D. If notice is given under this section and if the removal is not commenced within the required period or after being commenced is not diligently prosecuted, the department or the governing body of the appropriate political subdivision if it is not a state highway or airport facility may remove the encroachment without commencing any action. The person responsible for the encroachment shall pay the cost of removal, and an action may be filed in the superior court in the county where the encroachment is made or exists and where the removal is manifested to collect reimbursement of the necessary cost of removal to the subdivision of this state that has custody and control of the highway or airport facility by law.
E. The procedure provided by this section is not exclusive and does not prohibit the use of either:
   1. Any other remedy provided by law to protect a highway or airport facility.
2. The authority of officers of the department of public safety to cause the immediate removal of obstructions, encroachments, vehicles or aircraft.

A.R.S. § 28-7056. Dumping trash on highways or airports; classification
A. A person who dumps, deposits, places, throws or leaves refuse, rubbish, debris, filthy or odoriferous objects, substances or other trash on a state or county highway, road, public thoroughfare, public airport, the right-of-way to a state or county highway, road, public thoroughfare or public airport or within twenty yards of a state or county highway, road, public thoroughfare or public airport is guilty of a class 3 misdemeanor.
B. If a class 3 misdemeanor is committed as provided in subsection A from a motor vehicle or aircraft, the driver of the vehicle or pilot of the aircraft is presumed to be the offender.
C. The director, the board of supervisors of each county and the governing body of each city or town shall cause signs to be erected at suitable intervals on highways, airports and public thoroughfares in their respective areas of authority, including public parks, informing the public that it is unlawful to commit the acts prohibited by subsection A.
D. The highway patrol, the sheriff's office of each county and the peace officers of each city or town shall enforce this section.

Specifications
ADOT specifications apply to construction projects and contain additional details that identify the Engineer’s authority to direct the contractor and hold contractors performing highway work to the requirements of law. Water resource regulations are cited in specification 104.09 and provide instruction to contractors regarding stormwater permit compliance. 
https://www.azdot.gov/business/ContractsandSpecifications/Specifications

Roles and Responsibilities
Roles and responsibilities for stormwater compliance are peppered throughout the agency. Cross-divisional coordination is not uncommon. Program stewardship is managed by the Water Resources team within Environmental Planning. Implementation primarily occurs through Infrastructure Delivery and Operations at the design level, as well as the district level. Other units have minor support roles, such as Multimodal Planning, Communications, and Administrative Services. ADOT’s Organization Chart and Mission can be found at www.azdot.gov/about/inside-adot.

A.R.S. § 28-363. Duties of the director; administration
A. The director shall:
1. Supervise and administer the overall activities of the department and its divisions and employees.
2. Appoint assistant directors for each of the divisions. (for example signatory authority)
3. Provide for the assembly and distribution of information to the public concerning department activities. (for example public outreach and involvement)
4. Delegate functions, duties or powers as the director deems necessary to carry out the efficient operation of the department. (for example signatory authority)
5. Exercise complete and exclusive operational control and jurisdiction over the use of state highways and routes. (for example encroachments and illicit discharge or connection)
10. Designate the necessary agencies for enforcing the provisions of the laws the director administers or enforces. (for example oversight and enforcement)
11. Exercise other duties or powers as the director deems necessary to carry out the efficient operation of the department (for example miscellaneous tasks).

STORMWATER MANAGEMENT PROGRAM / PLAN

This plan, or SWMP, explains the standard procedures that ADOT uses to meet the MS4 Permit requirements. Although many are loose guidelines there is a measure of confidence that if implemented, maintained, inspected, tracked, and assessed, as required for the annual report, then ADOT is meeting the intent of the Clean Water Act by minimizing pollutants in runoff.

Key Groups: Environmental Planning

The minimum requirements are covered in this document and apply to the release of pollutants to and the discharge of pollutants from the MS4 that is owned, operated or used by ADOT. Control measures, best management practices, and procedures contained in the SWMP will be implemented and maintained fully to achieve specific goals, such as water quality standards and inspections of the storm sewer system.

The SWMP will be updated as necessary and includes proposed action and time-frames for implementation. Annually the control measures, best management practices, and procedures will be reviewed and assessed – coincidental to the preparation of the annual report, which covers the fiscal year, or from July 1 – June 30. An evaluation of the SWMP and program effectiveness will be conducted and revisions or modifications to the programs will be completed, as required by the permit.

Each control measure is described relative to the appropriate permit section or chapter and includes an explanation of how the measure was selected, will be implemented and maintained, and revised or updated, if necessary. Where discharges may contribute to exceedances of surface water quality standards, ADOT will use best management practices (control measures) described in its manuals (Erosion and Pollution Control Manual and Post-Construction BMP Manual) to address pollutants. These include erosion and sediment controls (including perimeter controls), as well as good housekeeping, velocity dissipation, protection around port-a-johns, and sediment basins/traps. ADOT will work to avoid discharges where possible. Tracking and documenting the occurrence of control measures occurs at various levels and in multiple units, organizations, and divisions. However, a single steward of the program is assigned to coordinate all the requirements on behalf of ADOT. This steward, the Water Resources Program Coordinator, will account for the measureable goals as identified in the SWMP and report on the achievements attained. If necessary, additional measurable goals to comply with an overall larger goal may be added, and will include the permit year by which time the goal will be met, and what department will be accountable to meeting the goal. ADOT employs nearly 4,000 people in multiple divisions, districts, and units. Therefore, roles and responsibilities by group or division are included in the specific section of the SWMP. The tentative schedule for each goal is discussed in the respective sections of this SWMP.
The ADOT Water Resources team maintains information regarding the roles of the group, including compliance with the MS4 permit, at this web address: [http://www.azdot.gov/business/environmental-planning/water-resources](http://www.azdot.gov/business/environmental-planning/water-resources). ADOT Water Resources Team member names and contact information is located in the table below.

### Table 3. Contact Information for the ADOT Water Resources Team

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Julia Manfredi</td>
<td>Water Resources Manager</td>
<td>602-712-7947 <a href="mailto:JManfredi@azdot.gov">JManfredi@azdot.gov</a></td>
</tr>
<tr>
<td>Emily Lester</td>
<td>Water Resources Program Coordinator (MS4, Construction, CWA Sections 404/401)</td>
<td>602-712-6972 <a href="mailto:ELester@azdot.gov">ELester@azdot.gov</a></td>
</tr>
<tr>
<td>David Mack</td>
<td>Industrial Stormwater Coordinator (Facilities, Yards, MS4 Monitoring)</td>
<td>602-376-7935 <a href="mailto:DMack@azdot.gov">DMack@azdot.gov</a></td>
</tr>
<tr>
<td>H. Kent Haugerud</td>
<td>Groundwater Program Coordinator (groundwater, drinking water, water/wastewater support)</td>
<td>602-376-8532 <a href="mailto:HHaugerud@azdot.gov">HHaugerud@azdot.gov</a></td>
</tr>
</tbody>
</table>

Manuals that are part of the Stormwater Program can be found here: [http://www.azdot.gov/business/environmental-planning/water-resources/manuals](http://www.azdot.gov/business/environmental-planning/water-resources/manuals)
MAPPING THE MS4

The infrastructure of ADOT’s transportation system is linear in configuration. Long and narrow swaths of land are developed with roadway assets, including base material several feet deep, pavement, shoulders, ditches, culverts, catch-basin inlets, down-drains, bridge-deck drains, sound-wall weep holes, traffic interchange basins, retention and detention basins, and a lot of posts that hold up guardrail, signs and signals, fences, and light fixtures. All these assets are catalogued centrally in the Features Inventory System (FIS) and are managed by department users.

Key Groups: Central Maintenance, Environmental Planning

Storm sewer system mapping is a grand undertaking. ADOT performed system mapping in Phoenix and Tucson in 2005 and identified less than 100 major outfalls. In the next decade, ADOT mapped priority outfalls statewide and is currently performing routine outfall inspections on more than 200 sites, approximately 45 each year.

ADOT has mapped all assets that relate to drainage throughout the state highway system and has implemented an asset management program. As construction continues more outlets and outfalls can be expected. Two modes of data collection are envisioned to continue mapping of the storm sewer system and identifying outfalls: 1) retroactive mapping of existing infrastructure, and 2) future documentation as new outfalls are created or replaced through redevelopment.

To accomplish retroactive mapping ADOT will utilize the following general guideline: consultants or staff will conduct a desktop review of the FIS and utilize base mapping integrated with ADEQ’s assessed waters layer to identify all outlets that may flow into a potential water of the US. Geographic Information System software will further assist ADOT or consultants in assessing those locations that will be documented as an ADOT outfall. Potential outfall locations will be field verified, as needed, and documented in ADOT FIS.

Mapping new outfalls or retirement of assets that are decommissioned by redevelopment projects will be initiated during the development process. The Project Manager will ensure that new outfalls are identified in project plans and the Construction Resident Engineer will notify the FIS Team when the asset is constructed. The FIS Team will collect the necessary information following project completion and submit the new asset ID to Water Resources for annual reporting.

Through the approach described above, ADOT will also create an inventory of outfalls and discharges to impaired waters statewide, and identify the contribution of pollutants. The inventory completion depends on the outfall mapping schedule. The outfall mapping will be complete by the fifth year of the permit term (I-40) and the inventory along with it. The mapping of the I-10 and I-17 corridors have been completed and the inventory for those corridors will be created in the third year of the permit term.
ILlicit Discharge Detection and Elimination

Uncommonly there are illegal connections to the ADOT MS4. It is difficult to hide a connection in the linear right-of-way and even more difficult to force a connection to an ADOT storm sewer channel that is open and concrete lined. The majority of illicit discharges occur as spills due to accidents on the freeway or highway routes. Other common scenarios include deposition of litter at rural traffic interchanges and vacant, excess land parcels. Often these are reported by third parties or discovered by personnel during routine activities. Administrative Services Division – Safety and Risk handles hazardous materials and other spills to the highway or linear setting. Transportation – Environmental Planning takes care of facilities and yards that experience issues with material handling or spills. When a District discovers a routine or non-emergency situation, such as a non-stormwater flow or a suspicious connection, the District will take steps to manage the issue. In all cases, documentation and follow-up visits are required.

Key Groups: Environmental Planning, Administrative Services, Districts

Detection and elimination of illicit discharges requires that ADOT maintain a comprehensive inspection, documentation, and follow-up program. Mapping the storm sewer system and knowing where discharges to waters of the US may occur are the first steps in minimizing pollutants in stormwater discharge. An updated storm sewer system map will be added to the SWMP following the February 2017 (first 18 months of permit term) deadline to map the outfalls along the Interstate 10 corridor. Inspecting drainage features and eliminating discharges to the storm sewer system and following up on reports of potential illicit discharges, including illegal dumping, is generally performed by district. In order to identify priority areas likely to have illicit discharges, ADOT will inspect a sample of identified/mapped outfalls each year and map/track the locations with illicit discharges. ADOT will begin this effort during the 2017 dry weather season.

Inspections

There are two ways for potential illicit discharges/dumps to be identified: discover during inspection or receive notification or report. Inspections of the roadway include fencing, pavement, and drainage attributes. Maintenance units conduct level of service inspections to ensure that infrastructure is performing as designed. Inspection frequency depends on the type of asset, or feature, and is prescribed by the department managing or overseeing the asset, for example, Bridge Group prioritizes bridge inspections and maintains the results in the BRM Tool (Bridge Management); maintenance inspects storm sewer and records the time in PeCoS (Performance Controlled System); and construction maintains project notes and reports in the PEN database and erosion and sediment control material quantities and costs in FAST (Field Office Automated System). Inspections of priority outfalls (including dry weather field screening) are performed by district and by consultants. Results are tracked in FIS (Features Inventory System) and reported annually. Dry weather field screening procedures include field observations, field visual monitoring, and analytical monitoring as needed. Documentation includes the Outfall ID, documentation of last know rain event, inspector information, surrounding land use, receiving water, outfall description and condition, outfall flow conditions, smell, floatables, algae, vegetation, deposits, and photographs.
Investigation and Elimination

Once an illicit discharge/dump is discovered, the District investigates the concern and documents the findings. They will contact the responsible party and work with them to stop the discharge from continuing. If the responsible party does not cease discharging, a formal cease and desist letter is sent to the discharging party. Lastly, the discharger will be reported to ADEQ if they refuse to cease the activity.

Spills

Reports of material spills, such as fuel, sediment or debris, may be reported to the Traffic Operations Center (TOC) or Department of Public Safety. The TOC is manned 24 hours per day and provides the most consistent tracking service. Spill information is routed to qualified personnel that will begin the necessary protocol to protect human health and the environment. Either hazardous materials staff or environmental planning and the local environmental coordinator will be contacted to remediate and report the incident. The TOC can be reached by calling 602.257.1563. ADOT responds to spills in compliance with the Arizona State Emergency Response and Recovery Plan, found here: https://dema.az.gov/sites/default/files/EM-PLN-State%20Emergency%20Response%20and%20Recovery%20Plan-Basic%20Plan%20SERRP2012Final_1.pdf.

Specific details can be found in Stormwater Enforcement Response Plan (found here: http://www.azdot.gov/business/environmental-planning/water-resources/manuals), under Illicit Discharge.
STORMWATER MANAGEMENT OF DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

ADOT is required to participate as an operator on projects that are built in the MS4 because the District in which the project occurs is responsible for public safety and managing the roadway features according to design standards (that is, controls, plans, and development). ADOT will submit a notice of intent to comply with the provisions of the Construction General Permit (CGP). Implementation and compliance with the permit will include implementing some conditions by proxy by overseeing the contractor and requiring compliance with permits and specifications. ADOT will maintain an inventory of all activities that have the potential to discharge pollutants, or potentially polluted runoff, to the MS4. Once it enters the system, ADOT is responsible to remediate it or initiate the stormwater enforcement response plan. ADOT is also required to document incidents of non-compliance. All aspects of erosion and sediment control for activities subject to the CGP are included in this section, and ADOT must consider pretreatment devices, or post-construction runoff controls.

Key Groups: Construction Management, Roadway, District

Construction-related activities will occur in and adjacent to the ADOT MS4. Operators of construction activity will be monitored by ADOT for compliance with the necessary permits. ADOT will track all projects and activity that have the potential to discharge pollutants to the MS4.

ADOT will submit a notice of intent to discharge for construction-related activities when the department meets the definition of operator. ADOT is considered an operator when 1) it controls the plans or specifications of an activity, or 2) it performs the work, such as, maintenance. Two forms of activity occur in the ADOT MS4: department maintenance or construction and third party encroachments.

A majority of the construction-related activity is overseen by or performed by ADOT. That means, ADOT is administering a contract for work, or maintenance forces are taking care of existing infrastructure or making modifications to it. In both cases, ADOT will submit a notice of intent to discharge pollutants in accordance with the requirements of the construction general permit issued by ADEQ. If there is a contractor doing the work, then ADOT will ensure the contractor also files a notice of intent to discharge. Signatory authority for ADOT will remain at the level of the District Engineer, and will be delegated by phase to the appropriate role.

Maintenance

When ADOT is the sole operator, it will prepare and implement the required stormwater pollution prevention plan, inspect the work, and conduct any related wet-weather stormwater sampling. These project-related details will be managed by the district performing the project.

Activities that disturb soil to improve or create new patterns of drainage will prepare and implement a stormwater pollution prevention plan if more than an acre is disturbed. However, if the activity is intended to restore the function, intent, and hydrology of an existing feature, up to five acres of soil can

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2 The one-acre threshold is determined by calculating the area of contiguous (touching) disturbances (blading, grading, excavating, stockpiling)
be disturbed before a stormwater pollution prevention plan is prepared and implemented, and CGP coverage obtained. Control measures such as reseeding, applying mulch, and removing sediment to offsite areas may be necessary.

The type of work that generally falls into this category includes grading roadway ditches, dirt roads, and edges of pavement, scaling for rockfall in cut sections, and clearing crown ditches.

**Construction**

When ADOT oversees a contractor performing the work, only the contractor will prepare and implement a stormwater pollution prevention plan. The contractor assumes all responsibility to install, inspect, and maintain the work, including wet-weather stormwater sampling, until final acceptance. The contractor will follow the terms of the contract in specification 104.09. ADOT, however, will perform verification inspections of the contractor’s work at a frequency dependent on the duration of the project. For example, project durations 0-3 months will be inspected a minimum of once; project durations 3-6 months a minimum of twice; and, project durations 6+ months a minimum of four times per year, and maintain details/results in the project diary in PEN.

If ADOT determines that the contractor is not meeting requirements, ADOT will provide verbal notification to the contractor with specific details. If work is not performed in 24 hours, a written notification to the contractor will be issued. If not corrected in 24 hours, a stop work order will result. All violations and enforcement actions by ADOT to contractors will be detailed in the tracking inventory and reported each year. The inventory will be submitted with the Annual Report each year.

At final acceptance, the contractor may file a notice of termination. If the project area has not reached final stabilization per the requirements of the construction general permit, the contractor’s notice of termination must indicate that ADOT is assuming responsibility for final stabilization. The ADOT authorization number will be included on the contractor’s notice of termination form. ADOT will assume inspections and monitoring, if applicable, until 70% cover, or equivalent, has been met. At such time, ADOT would file a notice of termination and archive the project document in the AIDW (ADOT Information Data Warehouse).

ADOT will administer local projects that occur on other municipal property. In this case, ADOT, the local, and the contractor will submit notices of intent, and the contractor and ADOT will submit notices of termination when the project is accepted by the local agency. The local agency will assume all responsibility for maintaining the inspections and performing repairs until final stabilization is met.

**Third Party**

Third-party construction is subject to tracking. ADOT receives a request through an encroachment permit process and assesses risk to the MS4. Applicants provide details of the encroachment, including any known impacts to resources, including the storm sewer system. Large developments adjacent to the MS4 that propose to utilize the highway system for managing sheet flow or point source connections and do not have a direct onsite improvement are required to retain stormwater up to the first inch of rainfall or snowmelt that originates onsite. ADOT Drainage provides a cursory review of these activities.
Encroachment permits are managed at the District level. Documents are maintained locally and are available through a public records request submitted to Risk Management. Inspections for stabilization of the MS4 are performed by a contractor. Any occupation or use of the highway system is subject to an encroachment permit, whether ground disturbance will result or not. ADOT must know when and where vehicles may be parked or contractors performing field survey are present. Similarly, any constructed feature must be evaluated for safety to the travelling public.

Although ADOT authorizes the work through a permit, ADOT will not be filing a notice of intent for construction activity of third party projects. All activity that has the potential to affect the quality of stormwater discharges will be tracked in the district inventory. Unpermitted work that occurs by a third party adjacent to or within the MS4 and that affects stormwater quality will be reported to ADEQ.

**New Development and Redevelopment**

A comprehensive planning process has been established since 2008 to reduce discharges associated with significant development (or redevelopment). The program was updated in February 2016 and is being implemented statewide with a focus on pre-treatment of stormwater prior to discharging to impaired or Outstanding Arizona waters, or other municipal separate storm sewer systems. The Post-Construction Water Quality Control Measure program involves all levels of project development from planning to design and construction through maintenance. Several control measures are specified for pre-treatment and will be assessed for use on projects as defined in the manual [http://www.azdot.gov/business/environmental-planning/water-resources/manuals](http://www.azdot.gov/business/environmental-planning/water-resources/manuals). ADOT maintains an asset for each pre-treatment facility in the Features Inventory Services database. The number of projects assessed for pre-treatment and the number of devices constructed will be reported annually.

**Tracking**

ADOT tracks all notices of intent at the District where work is being performed. The environmental coordinator keeps the information in an excel spreadsheet and provides the details annually for reporting purposes. Activities that occur within or adjacent to the MS4 will be documented, including the third party authorization to discharge, if required. Any violations or enforcement actions, such as stop work order, will be reported annually. Refer to the Stormwater Enforcement Response Plan [http://www.azdot.gov/business/environmental-planning/water-resources/manuals](http://www.azdot.gov/business/environmental-planning/water-resources/manuals) for additional information.
MEASURES TO CONTROL DISCHARGES FROM ROADWAYS

After the infrastructure is built and is being operated, routine inspections and scheduled maintenance activities will occur. To preserve the built environment and protect the state’s investment, all aspects of the system will periodically require repair or restoration. Commonly sediment and rocks are removed from a roadside ditch, or an eroded slope is backfilled, compacted, and revegetated or covered with rock. Weeds and overgrown brush or trees may need to be removed to protect the pavement, shoulders or sight distance. In regions with higher elevations and reduced temperatures snow and ice removal impose activities that impact the quality of runoff. Independent of the daily, monthly, annually-considered or on-demand spot treatment maintenance activity, ADOT will deploy a plan to improve runoff quality where ADOT discharges pollutants to waterbodies that are impaired for that pollutant; that is, ADOT will provide a retrofit program for its existing system.

Key Groups: Central Maintenance, Geotech, District, Water Resources


Recently, a flip book was prepared by a committee of transportation stormwater associates (http://environment.transportation.org/center/products_programs/reports/field_guide_maintenance_s_tormwater.aspx). ADOT will rely on both as support to staff conducting routine activities in the MS4.

Maintenance Management Service provides performance guidelines, which are updated annually. Activity codes are used by employees to document daily work. These codes have been reviewed to identify roadway and facility activities that may generate or manage pollutants, and are relevant to stormwater tracking and reporting requirements.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Type of Work</th>
<th>Pollutants</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>101-119, 9102-9113</td>
<td>Pavement protection and repair</td>
<td>Emulsion, concrete, chips</td>
<td>Lane miles</td>
</tr>
<tr>
<td>121</td>
<td>Blade unpaved roads</td>
<td>Sediment</td>
<td>Lane mile</td>
</tr>
<tr>
<td>131</td>
<td>Blade unpaved shoulders</td>
<td>Sediment</td>
<td>Acre</td>
</tr>
<tr>
<td>134</td>
<td>Maintain unpaved turnout/crossover</td>
<td>Sediment</td>
<td>Square feet</td>
</tr>
<tr>
<td>1501, 9313</td>
<td>Litter removal</td>
<td>Trash</td>
<td>Acre</td>
</tr>
<tr>
<td>1502</td>
<td>Spot litter</td>
<td>Debris</td>
<td>Labor hour</td>
</tr>
<tr>
<td>1507, 9157</td>
<td>Mechanical sweeping</td>
<td>Fines, oils, metals, trash</td>
<td>Lane mile</td>
</tr>
<tr>
<td>1601</td>
<td>Routine drainage maintenance</td>
<td>Sediment</td>
<td>Each</td>
</tr>
<tr>
<td>1602</td>
<td>Emergency drainage maintenance</td>
<td>Sediment, debris</td>
<td>Each</td>
</tr>
<tr>
<td>1603</td>
<td>Clean cuts/channel/dikes/curbs</td>
<td>Sediment, debris</td>
<td>Linear feet</td>
</tr>
<tr>
<td>1604</td>
<td>Minor slide removals</td>
<td>Sediment, debris</td>
<td>Square feet</td>
</tr>
<tr>
<td>1605</td>
<td>Routine structural repair</td>
<td>Varies</td>
<td>Square feet</td>
</tr>
<tr>
<td>1607</td>
<td>Storm and rock patrol</td>
<td>Sediment, debris</td>
<td>Mile</td>
</tr>
<tr>
<td>Activity</td>
<td>Type of Work</td>
<td>Pollutants</td>
<td>Measurement</td>
</tr>
<tr>
<td>----------</td>
<td>--------------</td>
<td>------------</td>
<td>-------------</td>
</tr>
<tr>
<td>1608</td>
<td>Drainage inspection</td>
<td>None</td>
<td>Each</td>
</tr>
<tr>
<td>1610</td>
<td>Roadway pump inspections</td>
<td>None</td>
<td>Each</td>
</tr>
<tr>
<td>1690</td>
<td>Other drainage maintenance</td>
<td>Varies</td>
<td>Labor hour</td>
</tr>
<tr>
<td>180</td>
<td>Major damage (if stormwater related)</td>
<td>None</td>
<td>Labor hour</td>
</tr>
<tr>
<td>181</td>
<td>Emergency (if stormwater related)</td>
<td>None</td>
<td>Labor hour</td>
</tr>
<tr>
<td>191</td>
<td>Encroachment permit</td>
<td>None</td>
<td>Labor hour</td>
</tr>
<tr>
<td>332, 9307</td>
<td>Irrigation inspection</td>
<td>None</td>
<td>Unit</td>
</tr>
<tr>
<td>333, 9307</td>
<td>Irrigation repair</td>
<td>Non-stormwater</td>
<td>Labor hour</td>
</tr>
<tr>
<td>341</td>
<td>Granite erosion control</td>
<td>Fines</td>
<td>Cubic yard</td>
</tr>
<tr>
<td>343</td>
<td>Non-granite erosion control</td>
<td>Mulch, fertilizer</td>
<td>Cubic yard</td>
</tr>
<tr>
<td>1400, 1402</td>
<td>Soil stabilization</td>
<td>Sediment</td>
<td>Acre</td>
</tr>
<tr>
<td>351, 354, 1420-1441, 9310-9311</td>
<td>Chemical vegetation control</td>
<td>Herbicide</td>
<td>Acre</td>
</tr>
<tr>
<td>456</td>
<td>Wash interstate signs</td>
<td>Non-stormwater</td>
<td>Unit</td>
</tr>
<tr>
<td>603</td>
<td>Building and yard maintenance</td>
<td>Varies</td>
<td>Labor hour</td>
</tr>
<tr>
<td>611</td>
<td>Material handling</td>
<td>Varies</td>
<td>Labor hour</td>
</tr>
<tr>
<td>891</td>
<td>Premix material</td>
<td>Chips, emulsions</td>
<td>Cubic yard</td>
</tr>
<tr>
<td>892</td>
<td>Stockpile material</td>
<td>Varies</td>
<td>Cubic yard</td>
</tr>
<tr>
<td>897</td>
<td>Screen material</td>
<td>Sediment</td>
<td>Cubic yard</td>
</tr>
<tr>
<td>899</td>
<td>Other material operations</td>
<td>Varies</td>
<td>Labor hour</td>
</tr>
<tr>
<td>901</td>
<td>Administrative</td>
<td>None</td>
<td>Labor hour</td>
</tr>
</tbody>
</table>

Districts manage all aspects of roadway maintenance, whether work is performed by employees or by contract. Annually work plans are prepared and submitted by District units. Documentation is completed by individuals performing the work.

**Storm Sewer System and Highway Maintenance**

Routine inspections occur and documentation of dry weather flows or illegal dumping will be included in the inspection record for follow-up. As a result of inspections, maintenance needs are documented for prioritization. Control measures relevant to storm sewer system cleaning and repair include removal of accumulated sediment, vegetation, and trash to be hauled offsite, stabilization of bladed areas, sweeping of trackout. Inspection records and the condition of infrastructure are kept at the District.

**Vegetation Management**

Control measures applicable to vegetation management include herbicide and fertilizer application by licensed professionals, use of approved materials, consideration of the timing with respect to precipitation and proximity to water bodies, and reviewing procedures annually. Additional information regarding management of roadside resources and environmental assessments associated with herbicide and pesticide application can be found here: [http://azdot.gov/business/environmental-planning/biology/roadside-resources](http://azdot.gov/business/environmental-planning/biology/roadside-resources)
**Erosion Abatement**
Control measures for erodible slopes where sediment is leaving the highway will include stabilization through different methods of prioritization. For minor failures or erosion of slopes, maintenance units will manage deposited sediment and track incidents locally. When failure of the slope involves major work that could be eligible under the state’s rockfall program, Geotechnical Group will be notified for assistance. Should the failure potentially affect water quality then Water Resources will be notified. The Minor program is a competitive process that assists districts in meeting transportation needs related to safety, pavement preservation, and wildlife connectivity, and can be used to meet stormwater permit requirements, as needed.

**Retrofit**
Existing developed highways that may impact water quality as a result of transportation-related activities are subject to retrofit requirements. The retrofit program is new to ADOT and will be developed prior to August 2017.

**Winter Storm**
Winter storm management includes application of deicing and anti-icing chemicals and/or combination with abrasives (salt/cinder blend) to protect the traveling public during inclement weather. ADOT has fully evaluated the environmental impact from this activity and performs annual training to equipment operators that apply chemicals or abrasives and who drive snow plows or otherwise manage the storage of anti- and deicing materials. Refer to the Winter Storm Management Operations Manual at [http://azdot.gov/business/environmental-planning/programs/winter-storm-management](http://azdot.gov/business/environmental-planning/programs/winter-storm-management) for additional details.
TRAINING

Training is geared toward reducing or eliminating behaviors and practices that cause or contribute to adverse impacts to stormwater quality. Various levels of training are identified to present general awareness topics to all employees and target specific job codes to deliver knowledge to employees with duties that potentially affect water quality.

Key Groups: Environmental Planning, Corporate Training

Staff

Primary responsibility for developing and implementing this program rests with Environmental Planning, which is primarily responsible for developing MS4 Permit-required training content. After the training is developed, responsibility for implementation lies with Environmental Planning. Training curricula is managed by the environmental trainer. Training records are managed by Infrastructure Delivery and Operations Technical Training and will be summarized in the annual report. Curricula will be evaluated and refined on an as-needed basis by the environmental trainer to ensure the educational messages are consistent, up-to-date, and effective.

The training may consist of computer-based training classes and/or individual, online PowerPoint segments delivered via webinar, standup training, or a combination of both. The training classes include interactive quizzes throughout the presentation and/or a final exam.

ADOT employees and their supervisors can access the PathLore software on the ADOT Intranet to determine what training is mandatory for each employee. Upon hire, each employee is informed of their training requirements. If an employee becomes delinquent in their training requirements, a notification is sent to their supervisor for follow-up. After an employee successfully completes a training class the date and results of the training are automatically recorded in the database to each specific employees training file. ADOT Water Resources requests the environmental trainer to access the database to run reports for the number of training classes delivered and number of employees trained for inclusion in the annual report.

Three stormwater classes are delivered in this fashion: Stormwater Awareness, Post-Construction Water Quality Control Measures (formerly New Development/Redevelopment Post Construction), and Highway Storm Sewer System Maintenance. Additional courses contain stormwater pollution prevention messaging, including Environmental Awareness (activities conducted by maintenance), Equipment Operator (pesticide/herbicide application), and Winter Storm Management (anti and deicing).

- Stormwater Awareness includes basics tenants of illicit discharge and illegal dumping, good housekeeping, and non-stormwater discharges. Computer-based class is available currently (ENV1005W).
- Post-Construction Water Quality Control Measures describes the comprehensive planning process for identifying the requirements for stormwater treatment and how to select the appropriate control measure. Computer-based class scheduled to be complete December 2016 (ENV1004W).
• Highway Storm Sewer System Maintenance (to be developed) will be updated to target a more specific level of worker. General or basic program elements of storm sewer system maintenance is covered in year one, Environmental Awareness, and Stormwater Awareness; however, incorporation of conducting activities, inspecting, investigating, tracking, and reporting procedures, will be delivered in a second level class. Currently, these roles are being performed by a mix of environmental consultants and headquarters staff who are largely water quality professionals. Computer-based class scheduled to be complete June 2017 (ENV1006W).

Contractor
External to ADOT, the Associated General Contractors maintain an Erosion Control Coordinator certification program for new development and redevelopment construction disturbances that are subject to the construction general permit. The certification is required by ADOT Specification 104.09 for contractors working on ADOT projects subject to the permit. The class includes inspection and maintenance requirements that pertain to erosion and sediment control when working on ADOT MS4. ADOT maintains a list of staff that are certified and that need to be recertified; and receives annual reports of contractors that attend.

The erosion control coordinator certification is required for any inspector that will perform work on ADOT MS4. The construction company proposes the erosion control coordinator in accordance with ADOT specification and the resident engineer administering the project must provide approval.

ADOT employees and contractors are refreshed on these topics every three years.
PUBLIC OUTREACH AND EDUCATION / PUBLIC INVOLVEMENT AND PARTICIPATION

This chapter brings in several topics that relate to external involvement in the ADOT plan to manage polluted runoff. Educating and involving public, citizens, and travelers are key components to the success of the program. Certainly if ADOT can gain the support of the traveling public in a reduction of litter, or if local residents that utilize the highway infrastructure to commute are asked to participate in making a difference in how much oil and grease are deposited on the roadway by maintaining leaky vehicles, then a cost savings is realized and may direct the flow of cash into restoration of infrastructure. Talking about and getting people involved in the management of state-owned assets are tricky because the audience is aged 16 to 80 and priorities are vastly different. Therefore, a targeted approach by communications professionals is necessary. Intergovernmental coordination is lumped in with this section and can be used to share a common message across agencies that have similar goals in the same watershed.

Key Groups: Communications, Public Affairs, Water Resources

ADOT Communications partners in the outreach and public involvement requirements in ADOT. The Adopt-a-Highway Volunteer Program Manager assists with messaging to and from the public regarding keeping trash and debris out of the storm sewer system, and engages stakeholders in educational goals. This includes participating in a unique collaborative effort with ADEQ recycling and brownfield coordinators and Keep Arizona Beautiful Executive Director that shares resources and information about beautification throughout Arizona (kazb.org). Additionally, Communications messages include bilingual, bicultural efforts to minimize impacts to transportation facilities. Videos on ADOT’s YouTube channel includes information about Environmental Resources Roadshows, Adopt-a-Highway volunteer safety and volunteer efforts in general, including other transportation impacts on natural resources and the efforts the Department takes to protect the environment, public safety and transportation systems (http://azdot.gov/business/programs-and-partnerships/environmental-resources-roadshow/overview).

Additional opportunities to engage the public include presentations on billboards, messaging at Motor Vehicle Department offices, and project meetings with the public. Source control, such as removing lead from gasoline or replacing copper brake pads with porcelain, happens at a national level. Local outreach activities to curb litter, improve maintenance of cars, report dumping, and stabilize roadsides have the most potential to make a positive impact. Staying involved and connected with the communities that highways impact is made possible through partnerships with non-profits, non-governmental organizations, and other municipal factions. A few that ADOT participates with and the estimated municipal memberships are listed here:

- STormwater Outreach for Regional Municipalities (STORM) – 28 members
- Pima Association of Governments Stormwater Management Working Group – 8 members
- Phase I Coalition – 7 members
- Phase II Coalition – 26 members
ADOT is required to maintain a public information page or process to involve the public in reducing transportation-related pollutants and improve water quality. Mentioned previously, education about solid waste and programs developed to help communities dispose of unwanted materials in an environmentally sound manner is handled by a full time person in communications. Passive distribution of materials is managed by the web team when Water Resources provides new information, or updates any portion of the program. The contact us portion of the page indicates who should handle a certain inquiry for the department. Public reporting is handled in much the same way – a ‘contact us’ button is available online. Communications receives the information and distributes according to the content. All emergency notifications go to the Traffic Operations Center via Department of Public Safety. Annually, ADOT will post a SWMP review meeting and invite the public to provide input on the stormwater program.

ADOT participates in STORM, which provides tangible messages in the form of Frisbees, pencils, bags, dog-poop pick-up bag holders, and brochures. These items are distributed at events, meetings, gatherings, and help convey a consistent message about stormwater pollution. The message is voted in annually and a vendor is chosen to provide the item(s).

Other public displays that ADOT has participated in developing or delivering include billboards, movie advertisements, radio messages, and children’s activity or workbooks. The target audience for each message is determined from the pollutant.

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Potential Source</th>
<th>Target Audience</th>
<th>Distribution Point</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oil/grease deposits</td>
<td>Leaking vehicle</td>
<td>Those who drive vehicles</td>
<td>Motor vehicle division, radio advertisement</td>
</tr>
<tr>
<td>Trash</td>
<td>Driver or passenger in vehicle</td>
<td>Anyone with a license to drive</td>
<td>Motor vehicle division, radio advertisement</td>
</tr>
<tr>
<td>Sediment</td>
<td>Construction activity</td>
<td>Public</td>
<td>Internet, outreach event</td>
</tr>
<tr>
<td>Herbicide</td>
<td>Residential association</td>
<td>Citizens</td>
<td>Brochure, movie ad</td>
</tr>
<tr>
<td>Bacteria</td>
<td>Pets, wildlife</td>
<td>Public</td>
<td>Neighborhood message boards, children’s activity or workbook</td>
</tr>
</tbody>
</table>

**Intergovernmental Coordination**

Drainage easements, connections to other systems, and discharges to non-ADOT property are assessed during the project development phase. Intergovernmental agreements, mitigation measures, or other commitments become documented in the project file and transferred to the appropriate district for implementation and tracking. Occasionally the project documents will call for an encroachment permit for others to connect to ADOT storm sewer, and will dictate responsibilities for maintenance of associated infrastructure.

For example, an intergovernmental agreement is in place with the City of Chandler and the Gila River Indian Community for open channel, concrete lined drainage that collects stormwater flows from SR 202
Santan Freeway and conveys westward to a biotreatment facility southeast of the SR 202 junction with Interstate 10. Another example includes coordination, but not an official agreement, with the City of Flagstaff regarding pass-through drainage that flows from residential and commercial development east of Interstate 17 and is conveyed westward beneath the interstate before discharging to Rio de Flag. This coordination is important to maintain for continuity of flow and for accountability to water quality standard goals. Municipal systems may not always be separate and should be documented when there are interconnections – for the purpose of tracking illicit discharges and knowing where spills might go in the event of an accident.
DISCHARGES FROM ADOT FACILITIES AND ACTIVITIES

This section applies to all facilities and activities that discharge runoff and that are not covered by another permit type, such as the industrial stormwater permit. All facilities will be evaluated in accordance with a risk-based schema that identifies sites with high risk potential. Risk is based on the criteria provided in the permit under Section 11.1. Site-specific plans, called facility pollution prevention plans, are currently in place for almost 100 locations and will undergo a review for content, and in some cases recertification. All facilities will have a dedicated inspection frequency based on the risk level and some may require wet-weather sampling of runoff.

*Key Groups: Environmental Planning, Administrative Services, Districts*

**Site Inventory and Prioritization**
Each yard, or facility, will be listed and an inventory of potential pollutants will be assessed and documented. The master inventory will be maintained centrally and a regional list will be updated as site conditions change, or inspections are conducted.

**Best Management Practices**
The maintenance and facilities best management practices manual will continue to serve ADOT as the manual for stormwater protection at ADOT facilities. Routine evaluation of the manual will identify the effectiveness of control measures listed. Replacement and/or updating of control measures will occur as necessary to reflect changes in operating conditions.

**Pollution Prevention Plans**
Each site’s stormwater plan identifies pollution-generating activities, associated control measures, the facility’s pollution prevention team, inspection reporting, spill reporting, and other reporting requirements as necessary such as monitoring requirements. These plans assist the inspector in performing routine assessments of the control measures, while the availability of the plan helps workers at the site understand where runoff, or non-stormwater pollutants, spills, etc., may leave the site.

**Facility Inspections**
The facilities inspections frequency will be based on the sites risk assessment utilizing a standard form throughout all operations. As deficiencies are identified, they will be addressed at the site level for maintenance.
MONITORING REQUIREMENTS

All the activities discussed in this SWMP are intended to ensure pollutants are minimized in runoff, which is sampled and analyzed twice per year. These procedures are specific to protect the integrity of the sample and provide consistent methods for evaluating, comparing, and reporting the data. Analytical monitoring procedures are described in the federal register, which requires quality assurance documentation, such as chain of custody form, laboratory certification, and approved test methods. Two types of samples are collected from two types of facilities – composite and grab at storm sewer system outfalls and grab samples at outlets from maintenance yards. The parameters that are analyzed are listed in the MS4 Permit Table 12.1. A new requirement was added this permit cycle, term, and requires an analysis of ADOT runoff to impaired waters.

Key Groups: Environmental Planning

Monitoring of stormwater is required twice per year, or until enough sample is collected to record the quality of stormwater leaving the highway facility. Five locations have been established as representative of highway drainage (See Appendix for sampling location maps). Each location is equipped with an autosampler that takes composite samples within the first three hours of a storm (or snow melt). Grab samples are also accepted when possible; however, challenges to maintain data and meet hold times have historically included laboratory hours, safety, equipment failure, insufficient flow, and notification. This work is contracted out on a water year basis (November 1 – October 31) with seasonal requirements imposed June 1-October 31 and November 1-May 31. ADOT has four continuous years of sampling at these five roadway locations. Parameters are dictated based on the type of the system and the status of the receiving water. Numeric water quality standards and thus, exceedance thresholds vary as a result. Location and land use information for the monitoring locations is included in Table 6 and described below.

Table 6. Monitoring Location Information

<table>
<thead>
<tr>
<th>Location Name</th>
<th>Physical Address</th>
<th>Latitude</th>
<th>Longitude</th>
<th>Acres Drained</th>
<th>Land Use by Percent</th>
<th>Receiving Water/Designated Use</th>
<th>Monitoring Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flagstaff</td>
<td>South side of intersection at Business 40 and State Route 180</td>
<td>35 11 53.29N</td>
<td>111 39 05.48W</td>
<td>29.3</td>
<td>Urban Highway 80%, Commercial Streets 20%</td>
<td>AZ15020015-004A Rio de Flag, Partial Body Contact, effluent dependent, assessment inconclusive</td>
<td>ISCO AutoSampler</td>
</tr>
<tr>
<td>Sedona</td>
<td>Below western abutment of State Route 179 bridge over Oak Creek</td>
<td>34 51 43.93N</td>
<td>111 45 42.68W</td>
<td>7.35</td>
<td>Sate/Business Route 90%, Commercial Streets 10%</td>
<td>AZ15060202-18C Oak Creek, Full Body Contact, outstanding Arizona water, impaired water, Fish Consumption, Agricultural Livestock</td>
<td>ISCO AutoSampler</td>
</tr>
<tr>
<td>Location</td>
<td>Description</td>
<td>Coordinates</td>
<td>Watering</td>
<td>Water Treatment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>----------------------</td>
<td>-------------------------------------------------------------------------------------------------------------</td>
<td>-----------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phoenix</td>
<td>East of State Route 101 on north bank of Skunk Creek</td>
<td>33 37 19.84N</td>
<td>Urban Highway 90%, Commercial Streets 10%</td>
<td>ISCO AutoSampler</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tucson</td>
<td>West of Interstate 10 north of Grant Road within ADOT Yard</td>
<td>32 15 17.17N</td>
<td>Urban Highway 90%, ADOT Facility 10%</td>
<td>ISCO AutoSampler</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nogales</td>
<td>Morley Road at Intersection of State Route 82</td>
<td>31 21 02.10N</td>
<td>Urban Highway 80%, Residential Streets 20%</td>
<td>ISCO AutoSampler</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spring Creek</td>
<td>State Route 89A milepost 362-363, National Forest Road 9571, Cornville</td>
<td>34 48 00.20N</td>
<td>Not Applicable</td>
<td>Manual</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roosevelt</td>
<td>State Route 188 milepost 242-243, Roosevelt</td>
<td>33 39 46.11N</td>
<td>Not Applicable</td>
<td>Manual</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Superior</td>
<td>951 Main Street, Superior</td>
<td>33 17 14.12N</td>
<td>Not Applicable</td>
<td>Manual</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Superior Fuel</td>
<td>952 Main Street, Superior</td>
<td>33 17 17.10N</td>
<td>Not Applicable</td>
<td>Manual</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nogales Maintenance</td>
<td>1340 Hohokam Drive, Nogales</td>
<td>31 21 22.97N</td>
<td>Not Applicable</td>
<td>Manual</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The Flagstaff site collects drainage from downtown and discharges to a tributary of the Rio de Flag. This outfall is on the south side of Rte 66 at the junction with US 180. The Sedona site, which pretreats stormwater prior to discharge, collects stormwater from SR 179 before it discharges to Oak Creek. The Phoenix location is along a segment of SR 101 that consists of a concrete lined channel that discharges to Skunk Creek. The Tucson sampler is located within a maintenance yard west of I-10 at Grant Road and collects flows from I-10 and disposes of stormwater in the Santa Cruz River. Last, the Nogales sampler is adjacent to a neighborhood along SR 82 in the vicinity of a tributary to Nogales Wash. All but Sedona are held to the same numeric water quality standards – those designated for partial body contact. Because Oak Creek is designated for full body contact, and also is listed for livestock watering and fish consumption, the water must be cleaner before discharge.

Five maintenance yards are located within ¼ mile of an impaired water and are subject to grab sample monitoring (See Appendix for map of maintenance yard sampling locations). One of the five (Roosevelt Yard) is listed as available for full-body contact and the numeric standard for this receiving water (Roosevelt Lake) is lower (more protective) than the other four sites (Superior Maintenance – discharge to Queen Creek, Superior Fuel – discharge to Queen Creek, Nogales Yard – discharge to Nogales Wash, and Spring Creek Yard – discharge to Coffee Creek at headwaters to Spring Creek).

After samples are collected and analyzed at the lab by the consultant/contractor, a report is provided to Water Resources. Lab data is reviewed for comparison of prior events and exceedances, and qualifiers that suggest additional sample should be taken are noted. In most cases, ADOT will not resample solely for bacteria, e. Coli and Fecal. Shy of having a camp of transients living under a bridge or in a culvert, transportation has no source of this pollutant and most detections are coincidental with adjacent municipal development. The results of analysis are consistent with land uses, that is, parks, recreation, pet play areas, older neighborhoods with prior, long history of septic systems, and historic occupation. Additionally, adjacent municipalities also report detections of high e. Coli. Therefore, ADOT typically samples for missed constituents due to insufficient flow, and prioritizes analysis for the pollutants more indicative of transportation pollutants – metals, sediment, and polycyclic aromatic hydrocarbons.

When a pollutant repeatedly exceeds the numeric water quality standard or compared to the load allocation Water Resource staff and/or their consultant will investigate potential causes for the exceedance of the pollutant. Should the detection be isolated then providing details the information in the annual report may be adequate. If there are multiple incidents, and it becomes evident that the transportation activities or infrastructure are contributing to the exceedance, ADOT will address the issue through a proposed retrofit program process. ADOT will have a retrofit program in place by August 2017.

Sampling protocol must follow the ADOT Sampling requirements as described in the (2010) MS4 Monitoring Guidance Manual.
The MS4 Permit also calls out the requirements for ADOT to develop a plan to conduct Impaired Water Monitoring (Permit Section 12.5). Impaired waters with an approved TMDL (including the pollutants causing the impairment) are addressed in Table 2 of this document. The TMDL analytical monitoring program will be initiated by August 2017 and will be combined with the wet weather sampling efforts. It will include a minimum of sampling at one outfall for each impaired segment. ADOT does not currently report a number of outfalls that discharge to each water segment because the system priority outfall mapping is still underway. This information will be updated and provided as the mapping efforts are completed. These locations where there are outfalls along water segments with approved TMDLs will be evaluated as priority locations for post-construction best management practices and implementation of the retrofit program. Pollutant causing the impairment will be considered when determining the appropriate control measure for the location.
REPORTS, RECORDS, AND STANDARDS
All activities have tracking requirements and only some must be included the annual report. In the event of an audit ADOT has the duty to provide the requested information. Because audits can happen with little preparation time it is important to retain current information in widely accessible databases. The annual report cycle covers the period July 1 – June 30 with a report due September 30.

Key Groups: All Divisions

ADEQ and ADOT developed a standard annual report form. Numeric and narrative descriptions, including goals and interim goals, may be carried over to compare stormwater quality trends in samples taken from yards and municipal runoff. Records will be kept in a variety of databases and will be accessible, at reasonable times. If anticipated, non-compliance should be reported to ADEQ. Additionally, any activity that may endanger health or environment will be reported to 602.771.2330 within 24 hours from the time ADOT becomes aware of the circumstances. A written follow-up will be provided to the compliance section within five business days.
STANDARD CONDITIONS
Web links are provided throughout the document for information incorporated by reference.

ADOT will maintain an updated SWMP, including amending the SWMP within 30 days per the conditions in Section 14.9 of the permit.

This SWMP is available electronically on the ADOT Water Resources website, with a hardcopy available at 1611 West Jackson St, Phoenix, AZ 85007. Access to the hardcopy can be obtained by emailing adctwater@azdot.gov.

The SWMP is signed below.

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

[Signature]

Paul O'Brien, PE
ADOT Environmental Planning Manager

2/28/17
Date
Appendix A

Outfall and Yard Sampling Locations
<table>
<thead>
<tr>
<th>Asset Id</th>
<th>Asset Code</th>
<th>Status</th>
<th>Category</th>
<th>Feature</th>
<th>Sub-Feature</th>
</tr>
</thead>
<tbody>
<tr>
<td>2047514</td>
<td>Flagstaff</td>
<td>Active</td>
<td>MS4 Wet Weather Monitoring</td>
<td>Monitoring Point</td>
<td>Roadway Outfall</td>
</tr>
<tr>
<td>2047515</td>
<td>Sedona</td>
<td>Active</td>
<td>MS4 Wet Weather Monitoring</td>
<td>Monitoring Point</td>
<td>Roadway Outfall</td>
</tr>
<tr>
<td>2047696</td>
<td>Phoenix</td>
<td>Active</td>
<td>MS4 Wet Weather Monitoring</td>
<td>Monitoring Point</td>
<td>Roadway Outfall</td>
</tr>
<tr>
<td>2047697</td>
<td>Tucson</td>
<td>Active</td>
<td>MS4 Wet Weather Monitoring</td>
<td>Monitoring Point</td>
<td>Roadway Outfall</td>
</tr>
<tr>
<td>2047698</td>
<td>Nogales</td>
<td>Active</td>
<td>MS4 Wet Weather Monitoring</td>
<td>Monitoring Point</td>
<td>Roadway Outfall</td>
</tr>
<tr>
<td>2047700</td>
<td>Spring Creek</td>
<td>Active</td>
<td>MS4 Wet Weather Monitoring</td>
<td>Monitoring Point</td>
<td>Maintenance Yard Site</td>
</tr>
<tr>
<td>2047701</td>
<td>Roosevelt</td>
<td>Active</td>
<td>MS4 Wet Weather Monitoring</td>
<td>Monitoring Point</td>
<td>Maintenance Yard Site</td>
</tr>
<tr>
<td>2047702</td>
<td>Superior</td>
<td>Active</td>
<td>MS4 Wet Weather Monitoring</td>
<td>Monitoring Point</td>
<td>Maintenance Yard Site</td>
</tr>
<tr>
<td>2047703</td>
<td>Superior Fuel</td>
<td>Active</td>
<td>MS4 Wet Weather Monitoring</td>
<td>Monitoring Point</td>
<td>Maintenance Yard Site</td>
</tr>
<tr>
<td>2047704</td>
<td>Nogales Maintenance Yard</td>
<td>Active</td>
<td>MS4 Wet Weather Monitoring</td>
<td>Monitoring Point</td>
<td>Maintenance Yard Site</td>
</tr>
</tbody>
</table>
Stormwater sampling location on west bank of Oak Creek under the bridge.

Legend
- Stormwater Sampling Location
- Oak Creek
- State Routes 89 & 179

ARIZONA DEPARTMENT OF TRANSPORTATION
STORMWATER MONITORING SITE

Photograph: Looking southwest at west bank of Oak Creek beneath SR179 Bridge over Oak Creek, Sedona, AZ
ADOT Outfall 101-13.68
Northeast Corner of Loop 101 and Skunk Creek Bridge, Peoria, Arizona

Outfall Location
Autosampler Location
Skunk Creek

Photograph: Looking south along north bank of Skunk Creek

ARIZONA DEPARTMENT OF TRANSPORTATION
STORMWATER MONITORING SITE
Legend

- Stormwater Sampling Location
- Santa Cruz
- Stormwater Conveyance
- ADOT Grant Road Maintenance Yard

Photograph: Looking north at sampling location located within ADOT Grant Road Maintenance Yard in Tucson, AZ

ARIZONA DEPARTMENT OF TRANSPORTATION
AZ PDES STORM WATER MONITORING SITE

Engineering and Environmental Consultants, Inc.
7878 North 16th Street, Suite 140, Phoenix, AZ 85020
Vicinity Map

Legend

- Stormwater Sampling Location
- Nogales Wash
- Stormwater Conveyance

Photograph: Looking north at sampling location along north side of SR 82 in Nogales, AZ

ARIZONA DEPARTMENT OF TRANSPORTATION
STORMWATER MONITORING SITE

Engineering and Environmental Consultants, Inc.
7878 North 16th Street, Suite 140, Phoenix, AZ 85020
Appendix B
Agency Agreements
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE GILA RIVER INDIAN COMMUNITY

THIS AGREEMENT is entered into on ________________, 2013, pursuant to Arizona Revised Statutes, §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA acting by and through its DEPARTMENT OF TRANSPORTATION (the "State" or "ADOT") and the GILA RIVER INDIAN COMMUNITY (the "Community"), a federally-recognized Indian Tribe organized pursuant to the Constitution and Bylaws of the Gila River Indian Community (adopted March 17, 1960). The State and the Community are collectively referred to as the "Parties."

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The Gila River Indian Community Council Resolution GR-48-97 (April 16, 1997), a copy of which is attached hereto and made a part hereof, authorizes the Community to draft a letter of intent to develop water quality permit for the Gila Drain Floodway and negotiate right-of-way and water permits in conjunction with the Southeast Valley Regional Drainage System ("SEVRDS").

3. The SEVRDS was built as a cooperative partnership among ADOT, the Flood Control District of Maricopa County and the City of Chandler, pursuant to JPA 96-151, attached hereto by reference, to channel stormwater runoff originating from the Santan and Price Freeways into the Gila Floodway.

4. The Community granted ADOT a perpetual drainage easement to discharge stormwater runoff from the SEVRDS into the Gila Floodway pursuant to a Memorandum of Agreement, JPA 90-138, which is attached hereto by reference.

5. The purpose of this Agreement is to define the water quality requirements for stormwater and non-stormwater discharges from the SEVRDS system to the Gila Floodway. These requirements are designed to be protective of the Gila Floodway which is an ephemeral waterbody.

6. Nothing in this Agreement requires, commits or otherwise obligates the State to expend any monies appropriated to ADOT or remaining in the State’s General Fund in contravention of any federal or state law, including, but not limited to, Arizona Revised Statutes § 35-154.

II. DEFINITIONS

"ADOT" means Arizona Department of Transportation.

"Agreement" means this Intergovernmental Agreement (IGA), including all exhibits and appendices which are herein incorporated, between the State of Arizona (ADOT) and the Gila River Indian Community.

"Best Management Practices" (BMPs) means activities, practices or procedures designed to prevent or reduce pollutants in stormwater discharged from the SEVRDS to the Gila Floodway.
"Discharge Limit" means water quality limits not to be exceeded for specific pollutants under this Agreement.

"Gila Floodway" means the Community lands that receive discharges from SEVRDS.

"Community" means Gila River Indian Community.

"Non-Stormwater" means water that is primarily not a result of surface runoff resulting from a precipitation event in the SEVRDS watershed.

"Point of Assessment" means the location where water quality samples shall be collected to determine if an exceedance with the water quality discharge limits established in this Agreement has occurred.

"SEVRDS" means the Southeastern Valley Regional Drainage System. SEVRDS was built as a cooperative partnership among ADOT, the Flood Control District of Maricopa County and the City of Chandler. SEVRDS is comprised of: (a) conveyances that collect stormwater from the Santan and Price Freeways and surrounding area and (b) the constructed basins used to manage the quality and flow of that stormwater.

"SEVRDS Outfall Channel" means the conveyance that receives stormwater and non-storm water discharges from SEVRDS and is between the Santan Channel and the Gila Floodway.

"Stormwater" means surface runoff resulting from a precipitation event in the SEVRDS watershed.

**THEREFORE**, in consideration of the mutual Agreements expressed herein, it is agreed as follows:

---

**III. SCOPE OF WORK**

1. **The Community will:**
   
   a. Provide ADOT with the opportunity to participate in public Community discussions or meetings regarding the establishment of water quality standards and requirements as they may apply to the Gila Floodway.

   b. Upon receipt of a written request from the State to discharge non-stormwater to the Gila Floodway, approve or deny the request within ten working days, pursuant to Article IV.2.k and Article V.17 of this Agreement.

2. **ADOT will:**

   a. Not discharge stormwater or non-stormwater from the SEVRDS to the Gila Floodway without meeting its obligations as established in the terms and conditions of this Agreement;

   b. Take all reasonable steps and measures, as soon as practicable, in order to meet the requirements contained in this Agreement.

   c. Initiate coordination and strive to secure the cooperation of all responsible parties that may potentially contribute to an exceedance of a discharge limit established in this Agreement.

   d. Agree the SEVRDS system is intended to transport municipal stormwater only. If non-stormwater flows need to be discharged to the Gila Floodway from the SEVRDS system, ADOT will
submit a written request to the Community pursuant to Article IV.2.k and Article V.17 of this Agreement. The Community will approve or deny the request in writing within ten working days.

e. Implement and comply with the AZPDES permit which has been issued by the ADEQ for its Municipal Separate Storm Sewer System (AZPDES Permit No. AZS000018-2008), until such permit is replaced or superseded by a new federal or state permit or agreement that regulates ADOT’s stormwater discharges from its facilities.

IV. TERMS AND CONDITIONS

1. Discharge Limits

a. The applicable water quality discharge limits for this Agreement are shown in Table 1.

b. ADOT is responsible for meeting the discharge limits at two stormwater and one non-stormwater points of assessment depending on flow conditions and management of the SEVRDS basins as follows:

i. SEVRDS Outfall (stormwater) point of assessment (latitude 33.292630 and longitude - 111.955665).
ii. 3-Barrel Box Culvert (stormwater) point of assessment (latitude 33.293288 and longitude - 111.954451).
iii. Basin B (non-stormwater) point of assessment (latitude 33.291167 and longitude - 111.952769).

c. Any discharges downstream of the SEVRDS Outfall point of assessment are regulated separately and not the responsibility of ADOT.

d. ADOT agrees that stormwater discharges from the SEVRDS will be free from pollutants in amounts or combinations that: (1) settle to form bottom deposits that inhibit or prohibit the habitation, growth or propagation of aquatic life or that impair recreational uses in the Gila Floodway; and (2) cause objectionable odor in the Gila Floodway.

e. ADOT agrees that stormwater discharges from the SEVRDS will be free from oil, grease and other pollutants that: (1) float as debris, foam or scum; (2) cause a film, sheen or iridescent appearance on the surface of the water; or (3) cause a deposit (e.g., trash, garbage or similar debris) on the shoreline, bank, aquatic vegetation or bed of the Gila Floodway.

2. Compliance and ADOT’s Obligations

a. Water quality samples shall be collected at the SEVRDS Outfall point of assessment whenever stormwater discharges occurs at that location. Samples shall also be collected at the 3-Barrel Box Culvert point of assessment whenever flow is generated as a result of the equalization basin exceeding capacity. Additionally, water quality samples shall be collected at the Basin B point of assessment location before ADOT plans on scheduling a non-stormwater pumped discharge. Every water quality sample collected at a point of assessment shall be a complete sample large enough in volume to ensure the complete analysis of all parameters required pursuant to Table 1 provided herein. For water quality sampling parameters which can be composited, a reasonable attempt will be made to collect a composite sample by collecting samples at equal time intervals over the duration of the complete stormwater event.

b. To evaluate compliance with the discharge limits and to evaluate the effectiveness of the Best Management Practices (BMPs) implemented by ADOT to control pollutants, ADOT will implement the
Southeast Valley Regional Drainage System (SEVRDS) Manual dated July 5, 2012 to execute the requirements of this Agreement.

c. The first and second discharges that cross the SEVRDS Outfall point of assessment and the 3-Barrel Box Culvert point of assessment that results in adequate flows to collect of water quality samples, after the effective date of this Agreement, will include an analysis of all the “required” and “supplemental” parameters listed in Table 1 provided herein.

d. Water quality data collected for the purposes of Article IV.2.c above will be used to establish the “required” pollutant monitoring list for the remaining time that the Agreement is in effect. If any of the “supplemental” parameters exceed their associated discharge limits during the first two sample events, that parameter will be added to the “required” sampling list.

e. The Community may request that ADOT monitor for additional parameters if during the period in which the Agreement is in effect, the Community demonstrates that there is a reasonable potential that the pollutant exists and that the pollutant may cause harm to the Community’s land or water.

f. On any sample date, compliance with the discharge limits shall be determined on a pollutant-by-pollutant basis. If the concentration of a pollutant sampled at a point of assessment is more than twice a discharge limit, then ADOT is not in compliance with this Agreement. If the concentration of a pollutant exceeds the discharge limit but the exceedance is less than twice the criterion, then ADOT is in non-compliance only if the exceedance occurs on more than three consecutive sample dates.

g. Compliance with Article IV.1.d and e of this Agreement shall be determined by inspection of the Gila Floodway and SEVRDS upstream of the SEVRDS Outfall point of assessment following a discharge. The Community shall document any potential violations of Article IV.1.d and e within the Gila Floodway with photographs.

h. ADOT agrees to take all reasonable steps, in a timely manner, to control stormwater discharge pollutants in order to meet the discharge limits specified in this Agreement.

i. Best Management Practices (BMPs) will be used as the means to control pollutants. The initial required BMP for the implementation of this Agreement is the SEVRDS Water Quality Treatment Basins Complex. This Complex shall consist of an equalization basin, two water quality treatment cells, a detention basin (Basin B) and a pump station for evacuation of flows. This BMP shall remain in operation at all times during the duration of this Agreement. ADOT will at all times properly operate and maintain all BMPs, facilities, and systems to meet its obligations under this Agreement.

j. If, after the initial BMP has been implemented, discharges from the SEVRDS do not meet the discharge limits, ADOT agrees to:

i. Work with the Community to resolve any exceedance; and

ii. Identify and implement additional BMPs designed to resolve any such exceedance in a timely manner, or implement other actions, as agreed to by ADOT and the Community, to allow ADOT to meet its obligations under this Agreement.

k. If ADOT requests to discharge non-stormwater to the Gila Floodway, ADOT will first collect representative water quality samples of the non-stormwater at the Basin B point of assessment. The water quality sampling parameters will include all of the “required” and “supplemental” parameters listed in Table 1. ADOT shall implement the Southeast Valley Regional Drainage System (SEVRDS) Manual; dated July 5, 2012 for the sampling, handling, processing, verification and validation of the non-stormwater samples. ADOT will submit the results of the sampling plus a justification to the Community
pursuant to Article V.17 below. The Community will approve or deny the request in writing within ten working days of the receipt of the request. In the event that the non-stormwater contains a spill or release of pollutant(s), additional sampling parameters will be determined by ADOT and the Community on a case-by-case basis.

3. Reporting Requirements

A. Reporting of Monitoring Results

1. ADOT will provide the Community with the results of all stormwater and non-stormwater quality sampling conducted in accordance with this Agreement. These data will be provided to the Community at the address below within 90 calendar days following a sampling event in the form of a Sample Event Summary Report.

   Attn: Water Quality Compliance Officer
   Gila River Indian Community
   Department of Environmental Quality
   Water Quality Program
   P.O. Box 97
   Sacaton, AZ 85247

2. Each Sample Event Summary Report will, at a minimum, contain the following information:

   a. A narrative and numeric summary comparing the analytical test results of the stormwater or non-stormwater samples to the discharge limits in Table 1 and a description of any exceedance that may have occurred;
   b. A narrative description and time schedule of ADOT's plans to resolve any discharge limit exceedances;
   c. Copies of all original laboratory analytical reports and chain-of-custody forms, including those relating to quality control samples;
   d. A detailed description of the sampling activities and copies of all sampling event records;
   e. A detailed description of the data verification and validation process outlined in the Stormwater Monitoring Manual; and
   f. A narrative description of the precipitation event that caused the SEVRDS representative stormwater event.

B. Reporting of Stormwater Discharge Events

ADOT will notify the Community by phone call or voice mail at (520) 562-2234 within 24-hours of knowledge of a stormwater flow event passing the SEVRDS Outfall point of assessment.

4. General Conditions

a. ADOT will properly operate and maintain all facilities and systems used to treat and control discharges from its facilities and to meet its obligations under this Agreement. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures for the gathering of data.

b. ADOT will provide the Community, within a reasonable time frame, any information requested by the Community to evaluate whether ADOT is meeting its obligations under this Agreement. ADOT will also provide to the Community, upon written request, copies of records required by this Agreement.
c. ADOT will allow authorized Community representatives access to the points of assessment to collect water quality samples.

d. This Agreement, including its exhibits and appendices, may not be modified before its expiration date unless mutually agreed to in writing signed by all signatories to this Agreement.

e. Any renewal of this Agreement will consider changes in state, federal and Community water quality standards, ordinances, regulations or requirements that have occurred since the execution of this Agreement, as well as any relevant water quality data collected during the term of any prior agreement. However, no such changes will become part of the renewal unless and until ADOT and the Community have agreed to them in writing.

f. Upon the execution of a renewal of this Agreement, ADOT will conduct stormwater sampling and analysis for all parameters in Table 1 and any other parameters agreed upon by ADOT and the Community for the first discharge resulting in a sampling event. Such sampling will be conducted at the SEVRDS Outfall point of assessment and the 3-Barrel Box Culvert point of assessment.

### TABLE 1 - WATER QUALITY SAMPLING PARAMETERS AND ASSOCIATED DISCHARGE LIMITS

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Method No.</th>
<th>Discharge Limit and Units</th>
<th>RL and Units</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>&quot;Required&quot; Sampling Parameters with Associated Discharge Limits</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Conventional</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOD&lt;sub&gt;5&lt;/sub&gt;</td>
<td>USEPA 405.1/SM 5210B</td>
<td>NNL</td>
<td>3 mg/L</td>
</tr>
<tr>
<td>COD</td>
<td>USEPA 410.1/SM 5220D</td>
<td>NNL</td>
<td>10 mg/L</td>
</tr>
<tr>
<td>Hardness</td>
<td>USEPA 200.7/SM 2340B</td>
<td>NNL</td>
<td>2 mg/L</td>
</tr>
<tr>
<td>pH</td>
<td>USEPA 150.1</td>
<td>6.0 – 9.5 std. units</td>
<td>0.1 std. units</td>
</tr>
<tr>
<td>Water Temperature</td>
<td>USEPA 170.1/SM 2550B</td>
<td>NNL</td>
<td>0.1 EC</td>
</tr>
<tr>
<td>Specific Conductance</td>
<td>USEPA 120.1/SM 2510B</td>
<td>NNL</td>
<td>2 μmhos/cm</td>
</tr>
<tr>
<td>TDS</td>
<td>USEPA 160.1/SM 2540C</td>
<td>NNL</td>
<td>1 mg/L</td>
</tr>
<tr>
<td>TSS</td>
<td>USEPA 160.2</td>
<td>NNL</td>
<td>1 mg/L</td>
</tr>
<tr>
<td><strong>Nutrients</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nitrate (NO3-N)</td>
<td>USEPA 300.0/SM 4500</td>
<td>20 mg/L</td>
<td>10 mg/L</td>
</tr>
<tr>
<td>Nitrite (NO2-N)</td>
<td>USEPA 300.0/SM 4500</td>
<td>14 mg/L</td>
<td>0.1 mg/L</td>
</tr>
<tr>
<td>Total Phosphorous</td>
<td>USEPA 365.1/SM 4500</td>
<td>0.6 mg/l</td>
<td>0.03 mg/L</td>
</tr>
<tr>
<td>Total Kjeldahl Nitrogen (TKN)</td>
<td>USEPA 351.4</td>
<td>2.0 mg/l</td>
<td>0.1 mg/L</td>
</tr>
<tr>
<td><strong>Metals – total and dissolved</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cadmium (as Cd)</td>
<td>USEPA 200.8</td>
<td>H, D</td>
<td>5 μg/L</td>
</tr>
<tr>
<td>Chromium (as Cr VI)</td>
<td></td>
<td>34 μg/L, D</td>
<td>10 μg/L</td>
</tr>
<tr>
<td>Chromium (as Cr III)</td>
<td></td>
<td>H, D</td>
<td>10 μg/L</td>
</tr>
<tr>
<td>Copper</td>
<td></td>
<td>H, D</td>
<td>10 μg/L</td>
</tr>
<tr>
<td>Lead</td>
<td></td>
<td>H, D</td>
<td>30 μg/L</td>
</tr>
<tr>
<td>Zinc</td>
<td></td>
<td>H, D</td>
<td>10 μg/L</td>
</tr>
<tr>
<td><strong>Organics</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parameter</td>
<td>Method</td>
<td>Limit</td>
<td>Discharge Limit</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>--------------</td>
<td>-----------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Total Petroleum Hydrocarbons (TPH)</td>
<td>USEPA 418.1W</td>
<td>5 mg/L</td>
<td>1 mg/L</td>
</tr>
<tr>
<td>Total Phenols</td>
<td>USEPA 420.1</td>
<td>8.4 mg/L</td>
<td>0.1 mg/L</td>
</tr>
<tr>
<td>DDE</td>
<td>USEPA 8081</td>
<td>1.1 µg/L</td>
<td>0.0005 µg/L</td>
</tr>
<tr>
<td>Trichloroethene (TCE)</td>
<td>USEPA 8260B</td>
<td>NNL</td>
<td>0.02 µg/L</td>
</tr>
<tr>
<td>1,1-Dichloroethene (1,1-DCE)</td>
<td>USEPA 8260B</td>
<td>NNL</td>
<td>0.28 µg/L</td>
</tr>
<tr>
<td>Tetrachloroethene (PCE)</td>
<td>USEPA 8260B</td>
<td>NNL</td>
<td>0.03 µg/L</td>
</tr>
<tr>
<td>Fecal coliform (1)</td>
<td>NNL</td>
<td>10 cfu/100 ml</td>
<td></td>
</tr>
</tbody>
</table>

"Supplemental" Sampling Parameters with Associated Discharge Limits (Pursuant to Sections IV.2)

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Method</th>
<th>Limit</th>
<th>Discharge Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aldrin</td>
<td>USEPA 8081</td>
<td>4.5</td>
<td>0.0005 µg/L</td>
</tr>
<tr>
<td>Arsenic (as As)</td>
<td>200.7</td>
<td>440 D</td>
<td>0.02 mg/L</td>
</tr>
<tr>
<td>Benzidine</td>
<td>8270</td>
<td>10000</td>
<td>0.05 mg/L</td>
</tr>
<tr>
<td>Chlordane</td>
<td>USEPA 8081</td>
<td>3.2</td>
<td>0.0005 mg/L</td>
</tr>
<tr>
<td>Cyanide</td>
<td>9012</td>
<td>84 T</td>
<td>0.005 mg/L</td>
</tr>
<tr>
<td>Dibutyl phthalate</td>
<td>8270</td>
<td>1100</td>
<td>0.01 mg/L</td>
</tr>
<tr>
<td>1,2-Dichlorobenzene</td>
<td>8260</td>
<td>5900</td>
<td>0.001 mg/L</td>
</tr>
<tr>
<td>1,4-Dichlorobenzene</td>
<td>8260</td>
<td>6500</td>
<td>0.001 mg/L</td>
</tr>
<tr>
<td>p-Chloro-m-cresol</td>
<td>USEPA 8081</td>
<td>48000</td>
<td>0.1 mg/L</td>
</tr>
<tr>
<td>p,p'-Dichlorodiphenyldichloroethane (DDD)</td>
<td>USEPA 8081</td>
<td>1.1</td>
<td>0.0005 mg/L</td>
</tr>
<tr>
<td>p,p'-Dichlorodiphenyltrichloroethane (DDT)</td>
<td>USEPA 8081</td>
<td>1.1</td>
<td>0.0005 mg/L</td>
</tr>
<tr>
<td>Dieldrin (see aldrin/dieldrin)</td>
<td>USEPA 8081</td>
<td>4</td>
<td>0.0005 mg/L</td>
</tr>
<tr>
<td>Di(2-ethylhexyl) phthalate</td>
<td>8270</td>
<td>3100</td>
<td>0.01 mg/L</td>
</tr>
<tr>
<td>2,4-Dimethylphenol</td>
<td>8270</td>
<td>150000</td>
<td>0.01 mg/L</td>
</tr>
<tr>
<td>Endosulfan sulfate</td>
<td>USEPA 8081</td>
<td>3</td>
<td>0.0005 mg/L</td>
</tr>
<tr>
<td>Endosulfan (Total)</td>
<td>USEPA 8081</td>
<td>3</td>
<td>0.0005 mg/L</td>
</tr>
<tr>
<td>Endrin</td>
<td>USEPA 8081</td>
<td>0.7</td>
<td>0.0005 mg/L</td>
</tr>
<tr>
<td>Endrin aldehyde</td>
<td>USEPA 8081</td>
<td>0.7</td>
<td>0.0005 mg/L</td>
</tr>
<tr>
<td>Heptachlor</td>
<td>USEPA 8081</td>
<td>0.9</td>
<td>0.0005 mg/L</td>
</tr>
<tr>
<td>Heptachlor epoxide</td>
<td>USEPA 8081</td>
<td>0.9</td>
<td>0.0005 mg/L</td>
</tr>
<tr>
<td>Hexachloroethane</td>
<td>USEPA 8081</td>
<td>850</td>
<td>0.01 mg/L</td>
</tr>
<tr>
<td>Hexachlorocyclohexane alpha</td>
<td>USEPA 8081</td>
<td>1600</td>
<td>0.0005 mg/L</td>
</tr>
<tr>
<td>Hexachlorocyclohexane beta</td>
<td>USEPA 8081</td>
<td>1600</td>
<td>0.0005 mg/L</td>
</tr>
<tr>
<td>Hexachlorocyclohexane delta</td>
<td>USEPA 8081</td>
<td>1600</td>
<td>0.0005 mg/L</td>
</tr>
<tr>
<td>Hexachlorocyclohexane gamma (lindane)</td>
<td>USEPA 8081</td>
<td>11</td>
<td>0.0005 mg/L</td>
</tr>
<tr>
<td>Mercury (as Hg)</td>
<td>7470A</td>
<td>5 D</td>
<td>0.002 mg/L</td>
</tr>
<tr>
<td>Nickel (as Ni)</td>
<td>200.7</td>
<td>H D</td>
<td>0.02 mg/L</td>
</tr>
<tr>
<td>Pentachlorophenol</td>
<td>8270</td>
<td>P</td>
<td>0.01 mg/L</td>
</tr>
<tr>
<td>Substance</td>
<td>Value 1</td>
<td>Value 2</td>
<td>Value 3</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>---------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>Phenol</td>
<td>420</td>
<td>180000</td>
<td>0.04 mg/L</td>
</tr>
<tr>
<td>Polychlorinatedbiphenyls (PCBs)</td>
<td>SV8082</td>
<td>11</td>
<td>0.0005 mg/L</td>
</tr>
<tr>
<td>Selenium (as Se)</td>
<td>200.7</td>
<td>33 T</td>
<td>0.02 mg/L</td>
</tr>
<tr>
<td>Silver (as Ag)</td>
<td>200.7</td>
<td>H D</td>
<td>0.01 mg/L</td>
</tr>
<tr>
<td>Sulfides</td>
<td>376.2</td>
<td>100</td>
<td>0.05 mg/L</td>
</tr>
<tr>
<td>2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD)</td>
<td>USEPA 8081</td>
<td>0.1</td>
<td>0.01 mg/L</td>
</tr>
<tr>
<td>Tetrachloroethylene</td>
<td>8260</td>
<td>15000</td>
<td>0.001 mg/L</td>
</tr>
<tr>
<td>Toxaphene</td>
<td>USEPA 8081</td>
<td>11</td>
<td>0.01 mg/L</td>
</tr>
<tr>
<td>2,4,6-Trichlorophenol</td>
<td>8270</td>
<td>3000</td>
<td>0.01 mg/L</td>
</tr>
</tbody>
</table>

NNL – no numeric limit

T – total recoverable

D – dissolved fraction

H – hardness based criteria are calculated using formulas: Hardness, expressed as mg/L CaCO$_3$ is inserted into the equation where it says "Hardness." Hardness is based on the hardness of the sample taken at the same time that the sample for the metal is taken, except that the hardness may not exceed 400 mg / L CaCO$_3$.

\[
\text{Cadmium} = (e^{(0.128 \ln(\text{Hardness}) - 0.9691)}) \times (1.136672 - \ln(\text{hardness}) \times (0.041838))
\]
\[
\text{Chromium III} = (e^{(0.8190 \ln(\text{Hardness}) + 4.9361)}) \times (0.316)
\]
\[
\text{Copper} = (e^{(0.9422 \ln(\text{Hardness}) - 1.1514)}) \times (0.96)
\]
\[
\text{Lead} = (e^{(1.2730 \ln(\text{Hardness}) - 0.7131)}) \times (1.46203 - \ln(\text{hardness}) \times (0.145712))
\]
\[
\text{Nickel} = (e^{(0.8460 \ln(\text{Hardness}) + 4.4389)}) \times (0.998)
\]
\[
\text{Silver} = (e^{(1.72 \ln(\text{Hardness}) - 0.52)}) \times (0.85)
\]
\[
\text{Zinc} = (e^{(0.8473 \ln(\text{Hardness}) + 3.1342)}) \times (0.978)
\]

P – Criterion based on the pH of the water. pH-specific criteria is calculated using the following equation: $e^{(1.0057 \times \text{pH} - 3.4306)}$

1. single sample maximum, number of colony forming units per 100 milliliters water

V. MISCELLANEOUS PROVISIONS

1. This Agreement shall become effective upon signing and dating of the Determination Letter by the State’s Attorney General.

2. This Agreement will remain in effect for a term of fifteen (15) years from the date it becomes effective. ADOT will submit a notice to the Community of its intent to renew the Agreement within six (6) months prior to conclusion of the fifteen (15) year term. The notice will contain ADOT's intent to renew this Agreement, a proposal for the period of renewal and any additional terms ADOT determines are appropriate to effectuate its stated purposes. The Community will respond to ADOT’s proposal within 60
calendar days of receiving ADOT's notice of its intent to renew. Renewal will only become effective upon the execution of the renewal, including any new or amended terms, by the authorized representatives of the Parties.

3. Each Party (as "indemnitor") agrees to indemnify, defend, and hold harmless the other Party (as "indemnitee") from and against any and all claims, losses, liability, costs or other expenses (including, but not limited to, reasonable attorneys' fees) (hereinafter collectively referred to as "claims") arising out of bodily injury of any person (including death), property damage and any other claims (including, but not limited to, claims of derivative or vicarious liability), which are caused by the act, omission, negligence, misconduct or other fault of the indemnitee, its officers, officials, agents, employees or volunteers.

4. The Community may terminate this Agreement for cause, including:
   a. Failure to provide notifications, information, data or documents, as required herein;
   b. Failure to implement BMPs;
   c. Failure of ADOT to meet its obligations under this Agreement; or
   d. Failure to resolve, in a timely manner, a discharge limit exceedance in accordance with this Agreement.

5. It is understood by the Parties if the Agreement is terminated; discharges from the SEVRDS to the Gila Floodway will cease a soon as technically practicable.

6. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511 pertaining to conflicts of interest on behalf of State employees.

7. To the extent applicable under law, the provisions set forth in Arizona Revised Statutes § 35-214 and § 35-215 shall apply to this Agreement.

8. Dispute. In the event of a dispute, claim or controversy (Dispute) arising out of or related to this Agreement, the Parties agree that it is in their mutual best interest to meet as promptly as possible for the purposes of informally resolving said Dispute. In the event the Parties cannot resolve their Dispute informally after attempting to work in good faith, the Parties hereto agree to abide by arbitration as set forth below and that arbitration shall be a requisite before any Party may seek relief of any kind in State or Tribal court.

9. Arbitration. If a Party in good faith concludes that a Dispute arising out of or related to this Agreement is not likely to be resolved by informal dispute resolution then, upon notice by that Party to the other, said Dispute shall be finally and exclusively settled by submission of such Dispute to an arbitration conducted pursuant to the applicable rules (currently the Commercial Arbitration Rules) of the American Arbitration Association ("AAA"); however, the AAA shall not administer or conduct the arbitration proceedings and reference to the AAA rules shall not be interpreted to mean that AAA shall administer or conduct the arbitration. Reference to the AAA rules shall not be interpreted to diminish, limit, or void the limited waiver of sovereign immunity set forth in Article V, Paragraph 10 below or to increase the enforcement rights of the Parties. Within ten (10) days after the commencement of arbitration, each party shall select one person to act as arbitrator and the two selected shall select a third arbitrator within ten (10) days of their appointment. The third arbitrator shall be a practicing attorney, actively engaged in the practice of law for at least ten (10) years and be a member in good standing of the bar of the State of Arizona. Alternatively, the third arbitrator may be a retired judge of the federal court or the trial court of the State of Arizona. The third arbitrator shall be responsible for all administrative aspects of the arbitration proceedings. At least one of the arbitrators shall be knowledgeable with federal Indian law and one arbitrator shall have acknowledged expertise in the appropriate subject matter. All arbitration proceedings shall be held in Maricopa County or at such other place as shall be agreed by the Parties.
10. Limited Waiver of Sovereign Immunity. For purposes of this Agreement, the Community, consents and agrees to a limited waiver of its sovereign immunity from suit and consents to be sued on an arbitration award made pursuant to this Agreement, including terms of this Paragraph and Article V. Paragraph 3 above. The Community represents that this limited waiver of sovereign immunity has been duly approved by the Community Council. The Community is not waiving its right to assert the defense of sovereign immunity except as expressly set forth, referred to, and provided for in this Agreement. This limited waiver is enforceable solely by the State as limited hereunder and does not create any additional third party beneficiary rights to suits or private causes of action in favor of third Parties. The Parties agree that this section provides a limited waiver of sovereign immunity solely for the purpose of enforcing the provisions of this Agreement and enforcing any arbitration award hereunder and for no other purpose.

11. Governing Law. This Agreement, including any claim or dispute arising hereunder submitted to binding arbitration shall be governed by the laws of the State of Arizona.

12. Non-Availability of Funds. Every payment obligation of the State under this contract is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this contract, this contract may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

13. The Community agrees to comply with applicable federal immigration laws.

14. Pursuant to Arizona Revised Statutes § 35-391.06 and § 35-393.06, each Party certifies that it does not have a scrutinized business operation in Sudan or Iran. For the purpose of this Section the term “scrutinized business operation” shall have the meanings set forth in Arizona Revised Statutes § 35-391 or and § 35-393, as applicable. If any Party determines that another Party submitted a false certification, that Party may impose remedies as provided by law including terminating this Agreement.

15. The Community and the State (ADOT) warrant compliance with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments (the “Act”). Additionally, in a timely manner, the Community will provide information that is requested by the State (ADOT) to enable the State (ADOT) to comply with the requirements of the Act, as may be applicable.

16. All notices or demands upon any party to this Agreement will be in writing and will be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, MD 637E
Phoenix, AZ 85007
(602) 712-7124
Fax: 602-712-3132

Gila River Indian Community
Director, Department of Environmental Quality
Post Office Box 97
Sacaton, AZ 85247

Arizona Department of Transportation
Phoenix Maintenance District Engineer
2140 W. Hilton Avenue
Phoenix, AZ 85007
Phone: (602) 712-6664
Fax: (602) 712-6983

Gila River Indian Community
Department of Environmental Quality
ATTN: Water Quality Manager
Post Office Box 370
Sacaton, AZ 85147
Phone: (520) 562-2234, ext 2233
Fax: (520) 562-3994
17. In accordance with Arizona Revised Statutes §11-952, (D) attached hereto and incorporated herein is the written determination of each Party's legal counsel that the Parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

GILA RIVER INDIAN COMMUNITY

By: [Signature]
GREGORY MENDOZA
Governor

STATE OF ARIZONA
Department Of Transportation

By: [Signature]
ROBERT SAMOUR, P.E.
Senior Deputy State Engineer, Operations

ATTEST:

By: [Signature]
LINUS EVERLING
General Counsel
ATTORNEY APPROVAL FORM FOR GILA RIVER INDIAN COMMUNITY

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the GILA RIVER INDIAN COMMUNITY, an Agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the Community under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this ______th day of _________, 2013.

[Signature]

Attorney
RESOLUTION GR-161-13

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE GILA RIVER INDIAN COMMUNITY AND THE STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION TO ESTABLISH WATER QUALITY STANDARDS AND MANAGEMENT FOR WATER DISCHARGES FROM THE SOUTHEAST VALLEY REGIONAL DRAINAGE SYSTEM ONTO THE GILA DRAIN FLOODWAY AND MODIFYING RESOLUTION GR-48-97

WHEREAS, the Gila River Indian Community Council (the “Community Council”) is the governing body of the Gila River Indian Community (the “Community”), and

WHEREAS, the Community Council is empowered through Article XV, Section 1(a)(9) of the Constitution and Bylaws of the Gila River Indian Community (March 17, 1960) to promote the health and general welfare of the Community and its members; and

WHEREAS, the Community established its Department of Environmental Quality (“DEQ”) for the general purposes of protecting the land, water and natural resources of the Gila River Indian Community and its people; and

WHEREAS, on June 19, 1991, the Community Council adopted Resolution GR-95-91, which authorized the Community to enter into a Joint Powers Agreement with the State of Arizona, No. JPA-90-138, to allow the State to outfall storm water runoff collected by the Price and Santan Freeways into the Gila Drain Floodway; and

WHEREAS, when No. JPA-90-138 was entered into by the Community and the State, the State agreed that it would comply with the Community’s present or future water quality standards, including a water quality monitoring plan; and

WHEREAS, in November of 1997, the Arizona Department of Transportation (“ADOT”) completed construction of the Southeast Valley Regional Drainage System (“SEVRDS”) project; and

WHEREAS, on April 16, 1997, the Community Council adopted Resolution GR-48-97, which approved the storm channel alignments for SEVRDS to the Gila Drain Floodway project area and authorized the development of a water quality permit by DEQ for the storm water entering the Community; and

WHEREAS, until recently, ADOT did not have an environmental program on which to rely for approval of water quality permit conditions; and
WHEREAS, the attached intergovernmental agreement between the Community and ADOT will function to establish appropriate water quality standards for the storm water runoff into the Community; and

WHEREAS, entering into the attached intergovernmental agreement will permit the Community and ADOT to implement appropriate water quality management for the Gila Drain Floodway and protect the Community’s environmental interests.

NOW, THEREFORE, BE IT RESOLVED, that the Community Council hereby approves the attached intergovernmental agreement between the Community and the Arizona Department of Transportation for the purpose of implementing appropriate water quality standards and management for the Southeast Valley Regional Drainage System.

BE IT FURTHER RESOLVED, that Resolution GR-48-97 is hereby modified to the extent that the attached intergovernmental agreement will be utilized in lieu of a permit.

BE IT FINALLY RESOLVED, that the Governor, or in the Governor’s absence the Lieutenant Governor, is hereby authorized to take all steps necessary to carry out the intent of this Resolution including execution of the intergovernmental agreement.

CERTIFICATION

Pursuant to authority contained in Article XV, Section 1, (a) (1), (7), (9), (18), and Section 4 of the amended Constitution and Bylaws of the Gila River Indian Community, ratified by the tribe January 22, 1960, and approved by the Secretary of the Interior on March 17, 1960, the foregoing resolution was adopted on the 4th of September 2013, at a regular Community Council meeting held in District 3, Sacaton, Arizona at which a quorum of 14 Members were present by a vote of: 14 FOR; 0 OPPOSE; 0 ABSTAIN; 3 ABSENT; 0 VACANCIES.

GILA RIVER INDIAN COMMUNITY

ATTEST:

COMMUNITY COUNCIL SECRETARY
INTERGOVERNMENTAL AGREEMENT DETERMINATION

A.G. Contract No. P0012012000362 (ADOT IGA/JPA 11-157), an Agreement between public agencies, the State of Arizona and the Gila River Indian Community, has been reviewed pursuant to A.R.S. §§ 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: October 8, 2013

THOMAS C. HORNE
Attorney General

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section