



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

**Arizona Pollutant Discharge Elimination System  
General Permit for Stormwater Discharges Associated with Construction Activity  
to Surface Waters**

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

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

This general permit becomes effective on July 1, 2020.

This general permit and the authorization to discharge expire at midnight June 30, 2025.

Signed this 27<sup>th</sup> day of March, 2020.

**ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**



Trevor Bagglore, Director  
Water Quality Division

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**CONTENTS**

**1.0 COVERAGE UNDER THIS GENERAL PERMIT ..... 1**

1.1 PERMIT AREA. 1

1.2 ELIGIBILITY. 1

1.3 AUTHORIZED DISCHARGES. 1

1.4 PROHIBITED DISCHARGES. 3

1.5 LIMITATIONS OF COVERAGE. 3

1.6 EROSION WAIVERS FOR SMALL CONSTRUCTION ACTIVITIES. 4

**2.0 AUTHORIZATION UNDER THIS GENERAL PERMIT ..... 6**

2.1 RESPONSIBILITIES OF OPERATORS. 6

2.2 PREREQUISITES FOR SUBMITTING A NOTICE OF INTENT (NOI). 6

2.3 SUBMITTING AN NOI. 7

2.4 FEE REQUIREMENTS. 9

2.5 AUTHORIZATION OF EMERGENCY-RELATED CONSTRUCTION ACTIVITIES. 9

2.6 TERMINATING COVERAGE. 9

2.7 CHANGE OF OPERATOR REQUEST DUE TO FORECLOSURE OR BANKRUPTCY. 10

**3.0 EFFLUENT LIMITATIONS AND WATER QUALITY STANDARDS APPLICABLE TO ALL DISCHARGES FROM CONSTRUCTION SITES..... 12**

3.1 NON-NUMERIC EFFLUENT LIMITATIONS AND ASSOCIATED CONTROL MEASURES. 12

3.2 GENERAL MAINTENANCE REQUIREMENTS. 12

3.3 EROSION AND SEDIMENT CONTROL REQUIREMENTS. 13

3.4 SITE STABILIZATION REQUIREMENTS, SCHEDULES AND DEADLINES. 18

3.5 POLLUTION PREVENTION REQUIREMENTS. 20

3.6 CONTROLS FOR ALLOWABLE NON-STORMWATER DISCHARGES AND DEWATERING ACTIVITIES. 24

3.7 SURFACE OUTLETS. 24

3.8 SURFACE WATER QUALITY STANDARDS. 24

**4.0 INSPECTIONS ..... 26**

4.1 INSPECTOR QUALIFICATIONS. 26

4.2 INSPECTION SCHEDULE. 26

4.3 SCOPE OF INSPECTIONS. 27

4.4 INSPECTION REPORT FORM. 28

4.5 INSPECTION FOLLOW-UP. 29

**5.0 CORRECTIVE ACTIONS. .... 30**

5.1 CORRECTIVE ACTION TRIGGERS. 30

5.2 CORRECTIVE ACTION DEADLINES. 30

5.3 CORRECTIVE ACTION REPORT. 30

**6.0 STORMWATER POLLUTION PREVENTION PLAN (SWPPP) PREPARATION ..... 32**

6.1 GENERAL INFORMATION. 32

6.2 TYPES OF OPERATORS. 32

6.3 SWPPP CONTENTS. 33

6.4 DOCUMENTATION REQUIREMENTS INCLUDING PERMIT RELATED RECORDS. 37

6.5 SWPPP UPDATES AND REVISION REQUIREMENTS. 38

6.6 DEFICIENCIES IN THE SWPPP. 39

6.7 POSTING, SWPPP REVIEW AND MAKING SWPPPs AVAILABLE. 40

6.8 PROCEDURES FOR INSPECTION, MAINTENANCE, AND CORRECTIVE ACTION. 40

**7.0 STORMWATER MONITORING..... 41**

7.1 MONITORING PROGRAM. 41

7.2 SAMPLING AND ANALYSIS PLAN (SAP). 41

7.3 ANALYTICAL MONITORING REQUIREMENTS. 41

<b>8.0 RECORDKEEPING .....</b>	<b>44</b>
8.1 RECORDS.....	44
<b>APPENDIX A.....</b>	<b>45</b>
DEFINITIONS.....	45
ACRONYMS.....	52
<b>APPENDIX B. STANDARD PERMIT CONDITIONS.....</b>	<b>53</b>

## 1.0 COVERAGE UNDER THIS GENERAL PERMIT

### 1.1 Permit Area.

This general permit covers the state of Arizona. This permit is not authorized for use by operators with stormwater discharges associated with construction activities on any Indian country in Arizona. U.S. EPA Region 9 remains the permitting authority for Indian country in Arizona.

### 1.2 Eligibility.

This general permit authorizes stormwater discharges to surface waters, either directly or by way of a conveyance, associated with “construction activities,” as defined in Appendix A, that will disturb one or more acres of land, or will disturb less than one acre, but is part of a common plan of development or sale that will ultimately disturb one acre or more (see 40 CFR 122.26(b)(15)(ii).

This general permit is also applicable to stormwater discharges associated with support activities from temporary plants or operations set up to produce concrete, asphalt, or other materials exclusively for the permitted construction activity. See 40 CFR 122.26(b)(14)(x) and (15) and Appendix A.

Operators of small construction sites (less than five (5) acres – see 40 CFR 122.26(b)(15) and Appendix A) may, if eligible, choose a waiver from coverage under this permit, provided that site remains in compliance with the applicable requirements of Part 1.6 during construction.

Coverage under this permit is not required for routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. See A.A.C. R18-9-A902(B)(8)(c)(iii).

Coverage under this permit may be required for any other discharges associated with construction activities that ADEQ determines are needed in accordance with A.A.C. R18-9-A902(B)(8)(d).

Any discharges that are not consistent with the eligibility conditions of this permit are not authorized by this permit. A person shall either apply for a separate Arizona Pollutant Discharge Elimination System (AZPDES) permit to cover such discharge(s), cease the discharge(s), or take necessary steps to make the discharge(s) eligible for coverage under this permit.

**Individual Permit Requirements.** An operator who chooses to obtain an individual stormwater permit (in accordance with the requirements of A.A.C. R18-9-C902(B), or is required by ADEQ to obtain an individual stormwater permit (in accordance with A.A.C. R18-9-C902(A)), shall comply with the requirements of Appendix B, Subsections 17 and 18(a)(i).

### 1.3 Authorized Discharges.

#### 1. Allowable Stormwater Discharges.

- a. Stormwater runoff associated with construction activities provided the discharge is conducted in compliance with this permit;
- b. Discharges requiring a stormwater permit under 40 CFR 122.26(a)(1)(v); 40 CFR 122.26(b)(15)(ii); or under 40 CFR 122.26(a)(9);
- c. Stormwater discharges from construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:

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- i. The support activity is directly related to a construction activity that is required to have AZPDES permit coverage for discharges of stormwater associated with construction activity;
  - ii. The support activity is not a commercial operation (serving multiple unrelated construction activities by different operators) and does not operate beyond the completion of the construction activity for which the support activity is directly associated;
  - iii. The support activity is not otherwise covered by a separate AZPDES permit; and
  - iv. Appropriate control measures for the discharges from the support activity areas are identified in the Stormwater Pollution Prevention Plan (SWPPP) and implemented.
2. Allowable Non-Stormwater Discharges.
- a. The following are the only non-stormwater discharges allowed under this permit. These discharges are allowed provided they are minimized to the extent practicable. When allowable non-stormwater discharges cannot be practicably eliminated, the operator shall install appropriate control measures to reduce or eliminate pollutants in the discharge to ensure compliance with Part 3 of this permit:
    - i. Discharges from emergency fire-fighting activities
    - ii. Water used to control dust, provided reclaimed water or other process wastewaters are not used;
    - iii. Routine external building wash down provided detergents are not used;
    - iv. Water used to rinse vehicles and equipment, provided that reclaimed water or other wastewater is not used and no soaps, solvents, detergents, oils, grease or fuels are present in the rinsate;
    - v. Pavement rinse waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
    - vi. Uncontaminated air conditioning or compressor condensate;
    - vii. Uncontaminated groundwater or spring water;
    - viii. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
    - ix. Water from firefighting system testing and maintenance, including hydrant flushing;
    - x. Discharges related to installation and maintenance of potable water supply systems, including disinfection and flushing activities, discharges resulting from pressure releases or overflows, discharges due to potable water pipeline breaks and discharges from wells approved by ADEQ for drinking water use;
    - xi. Hydrostatic testing of new pipes, tanks or vessels using potable water, surface water, or uncontaminated groundwater;
    - xii. Water used for compacting soil, provided reclaimed water or other wastewaters are not used;
    - xiii. Water used for drilling and coring such as for evaluation of foundation materials, where flows are not contaminated with additives; and

- xiv. Uncontaminated waters obtained from dewatering operations/ foundations in preparation for and during excavation and construction provided the discharge are managed as specified in Part 3.6 of this permit.

Note: Reclaimed water may be used for dust control, soil compaction, or landscape irrigation if a valid reuse permit is obtained and there are no discharges of reclaimed water off-site.

- b. If the site is within 1/4 mile upstream of an Outstanding Arizona Water (OAW), the operator shall not discharge any non-stormwater under this permit, except for emergency fire-fighting activities, unless specifically authorized by the Department.

#### 1.4 Prohibited Discharges.

The operator shall not allow any non-stormwater discharges from the site, except as provided in Part 1.3(2)(b). All other non-stormwater discharges (not listed above) shall be eliminated or authorized under a separate AZPDES permit as those discharges are not authorized under this permit. Stormwater discharges that are mixed with non-stormwater, other than the allowable non-stormwater discharges listed in Part 1.3(2) are not eligible for coverage under this permit.

The following discharges are prohibited:

1. Wastewater from washout of concrete, unless managed by an appropriate control as described in Part 3.5;
2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials, unless managed by an appropriate control as described in Part 3.5;
3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
4. Soaps or solvents used in vehicle and equipment washing; and
5. Toxic or hazardous substances from a spill or other release.

#### 1.5 Limitations of Coverage.

1. Post-Construction Discharges. This general permit does not authorize stormwater discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity site, has achieved final stabilization and a Notice of Termination (NOT) has been submitted to ADEQ. Post-construction stormwater discharges from sites may need to be covered by a separate AZPDES permit. See Part 6.4(13).
2. Discharges Covered by Another AZPDES Permit. This general permit does not authorize stormwater discharges associated with construction activities that are covered under an individual permit or another applicable general permit.
3. Impaired or Not-Attaining Waters. The following conditions apply if outfalls from construction sites are located within 1/4 mile upstream of a surface water listed as impaired or not-attaining:
  - a. The operator must submit a copy of the SWPPP and associated review fee with the NOI to ADEQ;
  - b. The SWPPP must include a Sampling and Analysis Plan (SAP - see Part 7.2) for analytical monitoring, if there are discharges from the site that include the pollutant(s) for which the surface water is impaired or not-attaining. However, if the operator can demonstrate there are no pollutants that will be an additional source

to the impairment, analytical monitoring may not be required. As part of this demonstration, the operator must consider all on-site activities, including the presence of pollutants (metals, nutrients, etc.) in site soils. The demonstration must be included in the SWPPP submitted for ADEQ's review;

- c. If a discharge contains pollutants for which an approved Total Maximum Daily Load (TMDL) has been established, the SWPPP shall specifically identify control measures necessary to ensure the discharges will be consistent with the provisions of the TMDL.
4. Outstanding Arizona Waters (OAW). The following conditions and requirements apply if one or more outfalls from construction sites are located within 1/4 mile upstream of a surface water listed as an OAW in A.A.C. R18-11-112(G):
- a. The operator must submit a copy of the SWPPP and associated review fee with the NOI to ADEQ;
  - b. The SWPPP must include a sampling and analysis plan for analytical monitoring (see Part 7.2) of pollutants expected to discharge from the site, including sediment.

### 1.6 Erosivity Waivers for Small Construction Activities.

A person performing construction activity which disturbs between one and five acres may be eligible for a waiver from coverage under this permit based on a low potential for soil erosion (i.e., the Erosivity Waiver). Construction activities that disturb five acres or greater, or less than five acres but are part of a common plan of development or sale, are not eligible for the erosivity waiver.

#### 1. Calculating the Erosivity Waiver.

Low potential for erosion is defined as a rainfall erosivity (R) factor of less than five (5) and is calculated in myDEQ, which uses the EPA's methodology for determining if a site qualifies for the erosivity waiver, based on the *USDA Handbook 703-Predicting Soil Erosion by Water: A Guide to Conservation Planning with the Revised Universal Soil Loss Equation (RUSLE)*, dated January 1997. EPA has updated its Rainfall Erosivity Factor Calculator to correct known problems and to use updated data from the Natural Resources Conservation Service's (NRCS) Revised Universal Soil Loss Equation, Version 2 (RUSLE2) database. myDEQ is using the Version 2 for erosivity calculations for the 2020 CGP. The small construction site's rainfall erosivity calculation shall be less than five (5) during the entire period of construction activity.

If one or more outfalls from the construction site are located within 1/4 mile upstream of an impaired or not-attaining water or OAW, the site is not eligible for the erosivity waiver. The erosivity waiver is predicated on the above criteria being met and proper application procedures being followed.

#### 2. Permit Waiver Certification.

The operator shall obtain an AZPDES Permit Waiver Certification before commencing construction activities. All waiver certifications require an AZPDES fee in accordance with A.A.C. R18-14-109, Table 6.

An operator of a construction activity that is eligible for an Erosivity Waiver shall provide the following information:

- a. The name, address, and telephone number of the construction site operator(s);
- b. The name (or other identifier), address, county, and parcel or lot number as recorded by the county, of the construction activity or site;

- c. Latitude and longitude (in decimal degree format to 6 decimal places) of the construction site at the outfall nearest to the surface water;
  - d. The construction activity's start and completion (final stabilization) dates;
  - e. The total construction site acreage and the acreage to be disturbed by the operator submitting the NOI, to the nearest 0.5 acre;
  - f. If discharges may occur to a municipal separate storm sewer system (including municipal streets and other improvements that can convey stormwater), the name of the municipal operator of the storm sewer;
  - g. The name of the waterbody(s) that would be receiving stormwater discharges from the construction site; and
  - h. The waiver certification form shall be signed using the electronic signature feature in myDEQ and in accordance with the signatory requirements of Appendix B, Subsection 9.
3. Construction Activities That Extend Past Certified Period.
- If the small construction activity continues beyond the calculated "end date" as shown on the Permit Waiver Certification, the operator shall prepare a SWPPP and submit an NOI as required under Parts 2.3 and 6.0.

## 2.0 AUTHORIZATION UNDER THIS GENERAL PERMIT

The operator shall review all the conditions and requirements of the permit before submitting any documentation described in Part 2.

### 2.1 Responsibilities of Operators.

1. All Operators. All operators are required to obtain coverage for stormwater discharges associated with construction activity under this permit or an alternative AZPDES permit. For the purposes of this permit, an “operator” is any person associated with a construction activity that meets either of the following two criteria:
  - a. The person has operational control over construction plans and specifications, including the ability to make revisions to those plans and specifications; or
  - b. The person has day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit).

Subcontractors are generally not considered to be “operators” for the purposes of this permit.

2. Multiple Operators. Where there are multiple operators associated with the same construction activity, all operators are required to obtain permit coverage. The following applies in these situations:
  - a. If one operator has control over plans and specifications and a different operator has control over activities at the construction site, they may divide responsibility for compliance with the terms of this permit as long as they jointly develop a common SWPPP (see Part 6.1(1)), which documents which operator has responsibility for each requirement of the permit.
  - b. If an operator only has operational control over a portion of a larger construction site (e.g., one of four homebuilders in a subdivision), the operator is responsible for compliance with applicable effluent limits (see Part 3), terms, and conditions of this permit as it relates to their activities on their portion of the construction site and implementation of control measures described in the SWPPP in the areas under their control.
  - c. Operators must ensure either directly or through coordination with other operators, that their activities do not render another person’s pollutant discharge controls ineffective.
  - d. If the operator of a construction support activity (Part 1.3(1)(c)) is different from the operator of the main construction site, that operator is also required to obtain permit coverage.

### 2.2 Prerequisites for Submitting a Notice of Intent (NOI).

A person may be authorized to discharge under this permit only if the stormwater discharge is associated with construction activities from a construction site. Prior to submission of an NOI, an applicant seeking authorization to discharge under this general permit shall:

1. Meet the eligibility requirements under Part 1.2; and
2. Develop a SWPPP that meets the requirements of Part 6 of this permit, and that covers either the entire site or all portions of the site for which the person is an operator.

- a. The SWPPP shall be prepared by a qualified person, prior to submission of the NOI and shall be implemented prior to the start of construction.
- b. The SWPPP is not required to be submitted to ADEQ unless the construction site has one or more outfalls within 1/4 mile upstream of an impaired or not-attaining water or OAW as described in Parts 1.5(3) and 1.5(4) but shall be retained and made available in accordance with Part 6.7.

## 2.3 Submitting an NOI.

### 1. Application Required.

- a. The operator shall submit a separate, accurate, and complete NOI to ADEQ for each construction activity that disturbs one or more acres of land, or for each activity that is part of a common plan of development or sale that will ultimately disturb one or more acres of land. NOIs must be submitted in myDEQ.
- b. Submission of the NOI demonstrates the operator's intent to be covered by this permit; it is not a determination by ADEQ that the operator has met the eligibility requirements for the permit. Discharges are not authorized if ADEQ notifies the operator that further evaluation is necessary, or that the discharges are not eligible for coverage under this permit.
- c. If the operator changes or another operator is added before construction activities are complete, the new operator shall also submit an NOI to be authorized under this permit before taking over operational control or commencing construction activities at the site.

### 2. NOI Requirements. Construction site operators seeking authorization for stormwater discharges under this general permit shall submit a complete and accurate AZPDES NOI in myDEQ. The NOI in myDEQ requires, at a minimum, the following information:

- a. The name, address, and telephone number of the construction site operator;
- b. The type of construction activity (e.g., school, commercial, subdivision, roadway, etc.);
- c. Whether the construction activity is part of a common plan of development or sale;
- d. Estimates of the total construction site acreage and the acreage to be disturbed by the operator submitting the NOI;
- e. The printed name (or other identifier), address and county of the construction site;
- f. An accurate latitude and longitude (in decimal degree format to 6 decimal places) of the construction site at the point nearest to the closest surface water;
- g. The latitude and longitude (in decimal degree format to 6 decimal places) of outfalls that may discharge stormwater to a receiving surface water;
- h. Confirmation that a SWPPP meeting the requirements in Part 6 of this permit has been developed and will be implemented prior to commencement of construction activities;
- i. If the NOI is a late application, the operator shall certify that a SWPPP has been developed and implemented prior to submittal of the NOI;
- j. The name and telephone number of a contact person for the SWPPP;
- k. The name of the closest surface water, which may include an unnamed wash, or canal;

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- l. The name(s) of the MS4 into which there is a potential to discharge, if applicable;
  - m. The construction activity's estimated start and completion dates; and
  - n. Fees are to be paid using a credit card or electronic check (ACH-debit) at the time of NOI submission in myDEQ.
3. Effective Date of Permit Coverage.
- a. Routine Coverage. Except as set forth in subsection (c) below, an eligible operator is authorized to discharge stormwater from a construction site when an authorization certificate is issued, after the NOI information is entered and certified in myDEQ.
  - b. Incomplete NOI Submitted. If ADEQ notifies the operator that an NOI is incomplete or incorrect, the operator shall submit a revised or new NOI in myDEQ if the operator still intends to obtain coverage under this permit.
  - c. Discharges to Impaired, Not-Attaining or Outstanding Arizona Waters. Applicants seeking coverage for a construction site that has one or more outfalls within 1/4 mile upstream of an impaired or not-attaining water or an OAW are not authorized under this permit for 30 calendar days following submission of their NOI, SWPPP, SAP and initial application fees in myDEQ. ADEQ may notify operators within this time frame that the NOI is approved, or there is cause for a SWPPP amendment, or denial of coverage as specified in Parts 1.5(3) and 1.5(4) of this permit. If notification is not received in the 30 calendar day time period, the operator is deemed covered under this permit.
  - d. SWPPP Requiring Additional Information. If the operator receives notification from ADEQ that the SWPPP is incomplete or otherwise deficient, the operator shall submit a revised SWPPP to ADEQ that addresses the comments if the operator still intends to obtain permit coverage. If review of the revised SWPPP reveals that a discharge of pollutants may cause or contribute to an exceedance of an applicable surface water quality standard in the receiving surface water, monitoring may be required, in accordance with Part 7. The revised SWPPP must include the applicable re-review fee. Permit coverage is suspended until ADEQ issues the permit authorization certificate.
  - e. Ongoing Construction Activities.

For operators of ongoing construction activities that are in process as of the effective date of this permit:

    - i. Within the first 60 calendar days from the effective date of this permit, the operator shall update the SWPPP as necessary to comply with the requirements of Part 6 of this permit; and
    - ii. Within the first 60 calendar days from the effective date of this permit, the operator shall submit a new NOI in myDEQ. The operator may continue to comply with the terms and conditions of the expired permit (AZG2013-001) until the NOI is submitted and payment is made for the permit application fee.
    - iii. If eligible, an operator may submit an NOT within the first 60 calendar days from the effective date of this permit, if construction is finished and final stabilization has been achieved.
  - f. Change in Operators. For construction activities where the operator changes, including instances where an operator is added after an NOI has been submitted, the new operator shall submit an NOI and receive an authorization certificate before assuming operational control or commencing work on-site (see Appendix B, Subsection 19).

- g. Certificate of Authorization. The operator will receive a Certification of Authorization from myDEQ assigning an authorization number and approval date. The Certificate of Authorization is not the permit. It acknowledges that ADEQ received the NOI and that the operator is authorized to discharge stormwater, subject to the terms and conditions of this permit. Correspondence with ADEQ concerning any construction activity covered by this permit shall reference the authorization number.
- 4. Late Applications. The operator is only permitted for eligible discharges that occur after a complete and accurate NOI is submitted in myDEQ and authorization is granted. ADEQ reserves the right to take enforcement action for any un-permitted discharges or permit noncompliance that occur between the time construction commenced and either permit authorization is granted, denied, or a complete and accurate Erosivity Waiver is submitted and approved in myDEQ.
- 5. Modified NOI. The operator may modify the NOI in myDEQ if there are revisions to personnel contact information or if outfall locations change. There is no fee for either of these modifications. Any other modifications require the submission of a NOT, terminating the existing NOI, and obtaining a new NOI for continued coverage in myDEQ, including the application fee.

**2.4 Fee Requirements.**

In accordance with A.A.C R18-14-109, the operator shall pay the initial AZPDES water quality protection services fee for coverage under this permit at the time the NOI is submitted. In addition, the operator shall pay the applicable annual fee when billed, unless a notice of termination has been submitted to ADEQ. The annual fee is due on the anniversary of the date of the authorization certificate (see Part 2.3(3)). Both fees are based on the amount of acreage identified in the NOI, in accordance with A.A.C. R18-14-109, Table 6.

**2.5 Authorization of Emergency-Related Construction Activities.**

Emergency-related construction activities are automatically authorized provided that:

- 1. The activity is being performed in order to avoid imminent endangerment to human health or the environment or in response to an emergency and the activity requires immediate authorization;
- 2. If the activity continues for more than 30 calendar days after the initial emergency-related start date, the operator shall prepare a SWPPP and submit a complete and accurate NOI;
- 3. The operator provides documentation in the SWPPP to substantiate the occurrence of the public emergency; and
- 4. The operator complies with all other applicable requirements in the permit regarding discharges associated with the construction activities.

**2.6 Terminating Coverage.**

- 1. Notice Required. To terminate permit coverage, the operator shall submit a complete and accurate Notice of Termination (NOT) in myDEQ. The operator is responsible for meeting the terms and conditions of this permit until the construction site's authorization is terminated. The operator may submit a complete and accurate NOT in myDEQ after any of the following conditions have been met:

- a. The operator has established final stabilization on all portions of the site for which the operator is responsible, in accordance with Part 3.4(2).
  - b. Another operator who has a valid authorization number under this general permit or an individual AZPDES permit has assumed control over all areas of the site that have not been finally stabilized (see Appendix B, Subsection 19);
  - c. For residential construction activities, temporary stabilization has been completed and the residence has been transferred to the homeowner (or a homeowner's association) in accordance with Part 3.4(2);
  - d. The planned construction activity identified on the original NOI was never initiated (i.e., grading was never started) and plans for construction have been permanently abandoned or indefinitely postponed;
  - e. The operator has obtained coverage for the site under another authorizing AZPDES permit;
  - f. The operator qualifies for one of the alternatives in Part 3.4(3) and submits the required documentation demonstrating compliance with the NOT in myDEQ.
2. NOT Requirements. The operator shall submit a complete and accurate NOT in myDEQ.
  3. Effective Date of Permit Termination. Authorization to discharge terminates under this permit when the permittee submits the NOT in myDEQ and receives the termination acknowledgement certificate.

## **2.7 Change of Operator Request due to Foreclosure or Bankruptcy.**

If a lending institution or another person takes operational control of the permitted construction site due to foreclosure or bankruptcy, the new operator is responsible for discharges from the construction site. If the construction site has not achieved final stabilization as defined in Part 3.4(2), the new operator shall submit a NOI in myDEQ for permit coverage within 30 calendar days prior to taking control of the site. In the event the new operator taking control of the construction site fails to submit a NOI for the ongoing construction activities, the existing operator may submit a petition to the department to terminate permit coverage by submitting a Change of Operator Request (COR) form (available on the ADEQ website). In making this request, the existing operator must no longer have access to the property and shall submit the following information:

1. The date of the loss of control of the construction site;
2. The person that has control of the construction site;
3. The reasons for being unable to submit a NOT that complies with the requirements of Part 2.6;
4. A copy of the SWPPP documenting conditions at the time of loss of control. The existing operator shall indicate areas of exposed soils and material stockpiles; the location, type and quantity of chemicals storage; the existing control measures left in place and their condition; and areas that have been stabilized. The existing operator shall indicate if there is public access to the site (e.g., perimeter fence, gate, etc.) and shall identify any conditions, which may be dangerous or hazardous, or may pose a significant environmental threat.
5. Documentation that the permittee informed the person taking control of the construction site of the requirements of this permit.

ADEQ will review the COR, SWPPP and related information to determine appropriate actions, including (but not limited to) terminating permit coverage for the existing operator. As part of this

assessment, ADEQ may conduct a site inspection. Submitting a COR does not suspend ongoing enforcement actions and does not preclude ADEQ from taking enforcement actions for violations of this permit.

### **3.0 EFFLUENT LIMITATIONS AND WATER QUALITY STANDARDS APPLICABLE TO ALL DISCHARGES FROM CONSTRUCTION SITES**

The control requirements in this Part incorporate the technology-based effluent limitations to meet water quality standards that, where applicable, apply to all stormwater and allowable non-stormwater discharges from construction sites eligible for coverage under this permit. These requirements apply the national effluent limitations guidelines and new source performance standards found at 40 CFR Part 450. The operator shall comply with the control measures requirements included in Part 3 through site planning and designing, installing, and maintaining these controls.

#### **3.1 Non-numeric Effluent Limitations and Associated Control Measures.**

At a minimum, the operator shall design, install and maintain the following effluent limitations reflecting the best practicable technology currently available on construction sites:

1. Erosion and Sediment Control (Part 3.3)
2. Site Stabilization (Part 3.4)
3. Pollution Prevention (Part 3.5)
4. Controls for Allowable Non-Stormwater Discharges and Dewatering Activities (Part 3.6)
5. Surface Outlets (Part 3.7)

#### **3.2 General Maintenance Requirements.**

1. Ensure that all control measures required, and described in Parts 3.3 through 3.7, remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.
2. Inspect all control measures in accordance with the inspection requirements in Part 4. The operator shall document the findings in accordance with Part 4.4. When controls need to be replaced, repaired, or maintained, make the necessary repairs or revisions. Routine maintenance does not constitute a corrective action (see Part 5.1). The operator shall comply with the following schedule:
  - a. If the identified control measure deficiency does not require significant maintenance, repair, or replacement, or if the problem can be corrected through routine maintenance, initiate work to fix the problem immediately after discovery, and complete such work by the close of the next work day, if feasible. SWPPP recordkeeping is not required for actions taken under this paragraph.
  - b. When the installation of a new control (that is not in response to a corrective action in Part 5.1), or a significant repair of an existing control is needed, install the new or modified control and make it operational, or complete the repair, by no later than 7 calendar days from the time of discovery, or before the next storm event (whichever is sooner) where feasible. If it is infeasible to complete the installation or repair within 7 calendar days or before the next storm event, SWPPP records must document why it is infeasible. The SWPPP must also document the schedule for installing the control(s) and making it operational as soon as practicable after the 7-day timeframe. Where these actions result in changes to any of the controls or procedures documented in the SWPPP, modify the SWPPP accordingly within 7 calendar days of completing this work.

### 3.3 Erosion and Sediment Control Requirements.

Design, install, and maintain effective erosion and sediment controls to minimize the discharge of pollutants. The operator shall minimize the amount of soil exposed during construction activities. The operator is also subject to the deadlines for temporary and/or permanent stabilization of exposed portions of the site in accordance with Part 3.4.

The following general requirements are applicable to all construction sites that implement the erosion and sediment controls in Part 3.3.

#### 1. Design Requirements.

- a. The operator shall account for the following factors in designing control measures:
  - i. The expected amount, frequency, intensity, and duration of precipitation;
  - ii. The nature of stormwater runoff and all sources of run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. If any stormwater flow will be channelized at the site, control measures must be designed to control both peak flowrates and total stormwater volume to minimize erosion at outlets and to minimize downstream channel and stream bank erosion; and
  - iii. The range of soil particle sizes expected to be present on the site.
- b. The operator shall direct stormwater flows to vegetated areas of the site to increase sediment removal and maximize stormwater infiltration, including any natural buffers established under Part 3.3(7), unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.

#### 2. Installation Requirements.

- a. Complete the installation of control measures by the time each phase of construction activity has begun. In the event it is infeasible to install one or more control measures prior to the start of construction activities, the operator shall ensure that those controls are installed as soon as possible. SWPPP records must document why it is infeasible.

Following the installation of these initial control measures, all other controls planned for this portion of the site and described in the SWPPP must be installed and made operational as soon as conditions on the site allow. The requirement to install control measures prior to construction activities for each phase of the project does not apply to activities associated with the actual installation of these controls.

- b. Use standard industry practices and follow manufacturer's specifications. The operator shall install all control measures in accordance with standard industry practices, including applicable design specifications. Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or local ordinances. Any departures from such specifications must reflect standard industry practice and must be explained in the SWPPP.

#### 3. Control Stormwater Volume and Velocity.

- a. If off-site areas direct flow onto the construction site, divert run-on flows, and/or provide other appropriate control measures to account for off-site contributions of stormwater and non-stormwater flow.

If stormwater conveyance channels are used at the site, the operator shall design and construct them to avoid unstabilized areas and to reduce erosion, unless infeasible. Minimize erosion of channels and their embankments, outlets, adjacent stream banks, slopes, and downstream waters during discharge conditions using

erosion controls and velocity dissipation devices within and along the length of any constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.

- b. Sediment Basins and Traps. If necessary, the operator shall install and maintain sediment basin(s) and / or traps to manage run-on, runoff, and sediment discharge from the construction site.
  - i. Design Requirements. The SWPPP shall provide sizing and calculation requirements for sediment basin(s) and shall indicate whether the basin(s) will be temporary or permanent.
    - a. When discharging from the sediment basin, utilize outlet structures that minimize pollutants;
    - b. Prevent erosion of the sediment basin using stabilization controls (e.g., erosion control blankets), and the inlet and outlet using erosion controls and velocity dissipation devices; and
    - c. Sediment basins must be situated outside of surface waters and any natural buffers established under Part 3.3(7), unless approved under a CWA section 404 permit.
  - ii. Maintenance requirements. The operator shall maintain sediment basins, ponds, and traps, and remove accumulated sediment when design capacity has been reduced by 50%.
  - iii. Polymers, flocculants, or other cationic treatment shall be used in accordance with manufacturers' instructions to provide for adequate settling time and minimize or eliminate these chemicals in the discharge. Furthermore, the operator shall comply with the requirements in Part 6.3(10).

4. Control Stormwater Discharges.

Control stormwater discharges including both peak flowrates and total stormwater volume to minimize channel and streambank erosion and scour in the immediate vicinity of outfalls. Examples of control measures that can be used to comply with this requirement include the use of erosion controls and/or velocity dissipation devices (e.g., check dams, sediment traps) within and along the length of a stormwater conveyance and at the outfall to slow down runoff.

5. Minimize the amount of soil exposed and the disturbance of steep slopes by:

- a. Preserving Natural Vegetation. Where practicable, existing vegetation should be preserved. If natural vegetation can be preserved, the operator shall clearly mark vegetation before clearing activities begin. Locations of trees and boundaries of buffer zones to be preserved shall be identified on the SWPPP site map;
- b. Phase or sequence construction activities. Where practicable, minimize the area of disturbance at any one time.
- c. Steep slopes. Where practicable, implement standard erosion and sediment control practices, such as phasing disturbances to these areas and using stabilization practices designed to be used on steep grades.

6. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.

- a. Perimeter Control. The operator shall use appropriate control measures (e.g., fiber rolls, berms, silt fences, vegetative buffer strips, sediment traps, or equivalent sediment controls) at all times for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction site.

For sites where stormwater from disturbed areas, exclusive of rights-of-way, is conveyed to one or more retention basins that are designed to retain stormwater runoff from a local 100 year / 2 hour storm event, as calculated by an Arizona registered professional engineer, geologist or landscape architect (A.R.S. § 32-144) or equivalent, the operator is not required to utilize perimeter controls.

For linear construction activities (see Appendix A) with rights-of-way that restrict or prevent the use of such perimeter controls, the operator shall maximize the use of these controls where practicable and document in the SWPPP why it is impracticable in other areas of the site.

- b. Control discharges from stockpiles of sediment or soil. As necessary, implement the following measures for any stockpiled or land clearing debris composed, in whole or in part, of sediment or soil:

- i. Place stockpiles outside of washes or other surface waters, stormwater conveyances (such as curb and gutter systems), or streets leading to stormwater conveyances, such that the placement does not conflict with local laws and local rights-of-way are not impacted.
- ii. Locate the stockpiles outside of any buffers established consistent with Part 3.3(7);
- iii. Protect from contact with stormwater (including run-on) using a temporary perimeter sediment barrier;
- iv. Avoid rinsing sediment, debris, or other pollutants accumulated on pavement or other impervious surfaces after the stockpile has been removed into any stormwater conveyance (unless connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water;
- v. To the extent practicable, implement control measures to prevent the generation of wind-blown sediment and debris; and
- vi. Use perimeter controls or other effective sediment control measures around soil stockpiles, except when they are being actively worked. For piles that will be unused for 14 calendar days or more, provide cover or appropriate temporary stabilization.

- c. Storm Drain Inlet Protection. The operator shall assess the need for and install inlet protection measures necessary to remove sediment discharges from the site. If the site discharges to any storm drain inlet that carries stormwater flow to a surface water (and it is not first directed to a sediment basin, sediment trap, or similarly effective control and the operator has authority to access the storm drain inlet), then inlet protection is required.

Inlet protection measures may be removed in the event of flood conditions that may endanger the safety of the public. Such actions shall be documented in the SWPPP. The operator shall evaluate alternative control measures to be used in the future to prevent a recurrence of this problem.

- d. If existing control measures need to be repaired or modified or if additional control measures are necessary, implementation shall be completed within 7 calendar days or before the next storm event (whichever is sooner), unless otherwise prescribed in i. – iv. below. If implementation before the next storm event is

impracticable, the reason(s) for delay shall be documented in the SWPPP and alternative control measures shall be implemented as soon as possible. Additionally, the following maintenance activities shall be implemented:

- i. Remove accumulated sediment when it reaches a maximum of one-third the height of the silt fence or one-half the height of a fiber roll.
  - ii. Sediment shall be removed from temporary and permanent sedimentation basins, ponds and traps when the depth of sediment collected in the basin reaches 50% of the storage capacity.
  - iii. Construction site egress location(s) shall be inspected for evidence of off-site tracking of sediment, debris, and other pollutants onto paved surfaces. Removal of sediment, debris, and other pollutants from all off-site paved areas shall be completed as soon as practicable.
  - iv. Accumulations of sediment, debris, and other pollutants observed in off-site surface waters, drainage ways, catch basins, and other drainage features shall be removed in a manner and at a frequency sufficient to minimize impacts and to ensure no adverse effects on water quality.
7. Maintain natural buffers adjacent to perennial surface waters and direct stormwater to vegetated areas to increase sediment removal, unless infeasible.
- a. Provide Natural Buffers or Equivalent Erosion and Sediment Controls. This requirement only applies when a perennial surface water or a lake (if feasible) is located within 50 feet of the site's construction activities:
    - i. Areas not owned or are otherwise outside the activities of the operator may be considered areas of undisturbed natural buffer for purposes of compliance with this part.
    - ii. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.
  - b. Alternatives. In areas where it is infeasible to maintain the 50-foot buffer, the operator shall:
    - i. Document in the SWPPP the reasons why the 50 foot buffer cannot be maintained, and identify the additional erosion and sediment controls selected;
    - ii. Preserve as much buffer as possible and design, implement and maintain additional erosion and sediment controls (such as berms, diversion dikes, sediment basins, etc.);
    - iii. Ensure that all discharges from the area of construction activity to the natural buffer are first treated by the site's erosion and sediment controls, and use velocity dissipation devices if necessary to prevent erosion caused by stormwater within the buffer;
    - iv. Document in the SWPPP the natural buffer width retained on the property, and show the buffer boundary on the site plan;
    - v. Delineate, and clearly mark off, with flags, tape, or other similar marking device all natural buffer areas; and
    - vi. Follow the additional stabilization requirements described in Part 3.4(1).

The operator is not required to enhance the quality of the vegetation that already exists in the buffer, or provide vegetation if none exists.

c. Exceptions.

i. If there is no discharge of stormwater to perennial waters through the area between the site and any perennial waters located within 50 feet of the site, the operator is not required to comply with the requirements in this Part. This includes situations where control measures, such as a berm or other barrier that will prevent such discharges, have been implemented.

ii. Where no natural buffer exists due to preexisting development disturbances (e.g., structures, impervious surfaces) that occurred prior to the initiation of planning for the current development of the site, operators are not required to comply with the requirements in this Part, unless portions of the preexisting development are removed.

Where some natural buffer exists but portions of the area within 50 feet of the perennial water are occupied by preexisting development disturbances, operators are required to comply with the requirements in this Part. For the purposes of calculating the sediment load reduction, an operator is not expected to compensate for the reduction in buffer function from the area covered by these preexisting disturbances.

If, during the life of the project, any portion of these preexisting disturbances will be disturbed, the area disturbed will be deducted from the area treated as natural buffer.

iii. Linear construction activities are not required to comply with the requirements in this Part if site constraints (e.g., limited right-of-way) prevent the operator from meeting any of the compliance alternatives in Part 3.3(7), provided that, to the extent practicable, disturbances are limited to within 50 feet of the perennial water and/or the operator provides supplemental erosion and sediment controls to treat stormwater discharges from construction activities within 50 feet of the perennial water. The operator shall document in the rationale for why it is infeasible to comply with the requirements in Part 3.3(7) in the SWPPP, and describe any buffer width retained and/or supplemental erosion and sediment controls installed.

iv. "Small residential lot" construction (see Appendix A) is exempt from buffer requirements, provided that the operator minimizes the discharge of pollutants by complying with the requirements of Parts 3.3 through 3.8.

v. The following disturbances within 50 feet of a perennial water are exempt from the requirements in this Part:

- a. Construction approved under a CWA section 404 permit; or
- b. Construction of a water-dependent structure or water access area (e.g., pier, boat ramp, trail).

Any of the above disturbances that occur within the buffer area shall be documented in the SWPPP.

8. The operator shall minimize soil compaction, unless minimizing soil compaction is not required because the intended function of a specific area of the site dictates that it be compacted. Preserve topsoil, unless preserving topsoil is not required because the intended function of a specific area of the site dictates that the topsoil be disturbed or removed.

### 3.4 Site Stabilization Requirements, Schedules and Deadlines.

The operator shall comply with the stabilization requirements in this Part to minimize the discharge of pollutants. If revegetation plans include seeding, the SWPPP shall include seed mix and application specifications that will be used for vegetative stabilization. If the operator uses fertilizers or tackifiers on-site to establish vegetation, additional control measures shall be implemented to minimize the presence of these chemicals in the discharge.

#### 1. Temporary Stabilization.

The operator must provide temporary stabilization, or initiate permanent stabilization, of disturbed areas within 14 calendar days of the most recent land disturbance in areas where construction or support activities have been temporarily suspended or have permanently ceased, except as follows:

- a. Where stabilization by the 14th day is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable;
- b. When the site is using vegetative stabilization and is located in an area of the state experiencing drought conditions (see Appendix A), vegetative stabilization measures shall be initiated as soon as practicable, when growing conditions are best for planting or seeding;
- c. Stabilization shall be initiated within 7 calendar days, for areas within 50 feet of an impaired or not-attaining water or OAW.
- d. Where areas of construction activity are awaiting vegetative stabilization for periods greater than 14 calendar days after the most recent activity, non-vegetative methods of stabilization shall be employed. These methods shall be described in the SWPPP.

The operator is not expected to apply temporary or permanent stabilization measures to areas that are intended to remain unvegetated or unstabilized following construction (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials).

#### 2. Final Stabilization.

Final stabilization means that one of the following conditions (a, b, or c) is met:

- a. All soil disturbing activities at the site have been completed; all construction materials, waste, and temporary erosion and sediment control measures (including any sediment that was being retained by the temporary erosion and sediment control measures) have been removed and properly disposed; and either i. and/or ii. below is met:
  - i. A uniform (i.e., evenly distributed, without large bare areas) vegetative cover with a density of 70% of the native background vegetative cover for the area is in place on all unpaved areas and areas not covered by permanent structures.

When preconstruction native background vegetation covered less than 100% of the ground (e.g., arid areas, beaches), the 70% coverage criteria is adjusted as follows: if the native vegetation covered 50% of the ground, 70% of 50% (.70 X .50 = .35) or 35% cover density would be required; or
  - ii. Equivalent permanent stabilization measures (such as the use of riprap, gabions, gravel, or geotextiles) have been employed.
- b. For individual lots in residential construction, final stabilization means that the homebuilder:

- i. Has completed final stabilization as specified in Part 3.4(2)(a) above; or
  - ii. Has established temporary stabilization, including perimeter controls, for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the need for, and benefits of, final stabilization; and
  - iii. An NOT may be submitted in myDEQ.
- c. For construction activities on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to water of the U.S., and areas that are not being returned to their preconstruction agricultural use shall meet the final stabilization criteria above. Upon final stabilization, an NOT may be submitted in myDEQ.

Any non-vegetative stabilization methods (e.g., decomposed granite, geotextiles, or degradable mulch) must achieve the same requirements for final stabilization as specified in Part 3.4(2)(a).

### 3. Site Stabilization Alternatives.

An operator with an eligible site may choose one of the following alternatives instead of implementing the stabilization requirements in Parts 3.4(1) and 3.4(2). Documentation of eligibility of one of the alternative stabilization activities must be included in the SWPPP and identified on the NOT in myDEQ.

- a. Sites with additional retention capacity (see A.R.S. § 49 – 255.01(L)). Stabilization deadline requirements in this permit do not apply to sites with retention capacity that meets or exceeds the 100 year/2 hour storm event as calculated by an Arizona registered professional engineer, geologist or landscape architect (A.R.S. § 32-144) or equivalent, and that meet the following conditions:
  - i. There are no outfalls that discharge to a perennial or intermittent water body;
  - ii. All stormwater generated by disturbed areas of the site, exclusive of public rights-of-way, is directed to one or more retention basins;
  - iii. The operator complies with pollution prevention measures;
  - iv. The operator maintains capacity of retention basin(s); and
  - v. The operator determines temporary and final stabilization requirements for the site to reduce or minimize the discharge of sediment and other pollutants to meet the requirements of Parts 3.4(1) and 3.4(2).
- b. Sites returned to pre-construction discharge conditions. Construction operators may qualify for this alternative by demonstrating that stormwater discharges from the site's pre- and post-construction activities are equal or less than in volume and pollutant load from disturbed areas as calculated by an Arizona registered professional engineer, geologist or landscape architect (A.R.S. § 32-144) or equivalent; and where the site does not have outfalls that will discharge to an impaired or not-attaining water or OAW.
- c. Arid, semi-arid, and drought-stricken areas: Final stabilization is met if the area has been seeded or planted to establish vegetation that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas within three (3) years and, to the extent necessary to prevent erosion

on the seeded or planted area, non-vegetative erosion controls have been applied that provide cover for at least three years without active maintenance.

### 3.5 Pollution Prevention Requirements.

1. The operator shall design, install, and maintain effective pollution prevention measures to prevent or minimize the discharge of pollutants from spilled or leaked materials from construction activities. To meet this requirement, the operator shall:
  - a. Eliminate certain pollutant discharges from the site (see Part 1.4, Prohibited Discharges);
  - b. Properly maintain all pollution prevention controls (see Part 3.2, General Maintenance Requirements); and
  - c. Comply with pollution prevention control measures for pollutant-generating activities that occur at the site as outlined in this Part.

The operator shall comply with the pollution prevention standards in this Part if any of the following activities are conducted at the site or at any construction support activity areas covered by this permit (see Part 1.3(1)(c)).

2. Minimize the Discharge of Pollutants – from equipment and vehicle washing, wheel wash water, and other wash waters.
  - a. Concrete Washout. To comply with the prohibition in Part 1.4(1) for discharges of wastewater from washout of concrete:
    - i. Where possible, concrete suppliers should conduct washout activities at their own plants or dispatch facilities.
    - ii. If conducted at the construction site, the operator shall employ control measures to contain and manage on-site concrete washout to prevent discharge (see Part 6.3(8)).
    - iii. Specify locations of concrete washout activities that will occur at the construction site.
  - b. Washing of equipment and vehicles. Any operator that washes equipment or vehicles on-site shall implement the following control measures:
    - i. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of washing; and
    - ii. To comply with the prohibition in Part 1.4(4), for storage of soaps, detergents, or solvents, the operator shall provide either cover (e.g., plastic sheeting or temporary roofs) to prevent these detergents from coming into contact with rainwater, or implement a similarly effective means designed to prevent the discharge of pollutants from these areas.
  - c. Washing of Applicators and Containers used for Paint or Other Materials. To comply with the prohibition in Part 1.4(2), the operator shall provide an effective means of eliminating the discharge of water from the washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials. To comply with this requirement, the operator shall:
    - i. Direct all wash water into a leak-proof container or leak-proof pit. The container or pit must be designed so that no overflows can occur due to inadequate sizing or precipitation;

- ii. Locate any washout or cleanout activities as far away as possible from surface waters and stormwater inlets or conveyances, and, to the extent practicable, designate areas to be used for these activities and conduct such activities only in these areas; and
  - iii. Handle washout or cleanout wastes as follows:
    - a. Do not dump liquid wastes in storm sewers;
    - b. Dispose of liquid wastes in accordance with applicable requirements in Part 3.5(5);
  - d. Fueling and Maintenance of Equipment or Vehicles. Any operator that conducts fueling and/or maintenance of equipment or vehicles at the site shall provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuel, from the area where these activities will take place. To comply with the prohibition in Part 1.4(3), operators shall:
    - i. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR 112 and Section 311 of the CWA;
    - ii. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;
    - iii. Use drip pans and absorbents under or around leaky vehicles;
    - iv. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements;
    - v. Clean up spills or contaminated surfaces immediately, using dry clean up measures where possible, and eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and
    - vi. Do not clean surfaces by hosing the area down.
3. Construction Site Egress. The operator shall implement effective control measures to minimize tracking of sediments, debris and other pollutants from vehicles and equipment leaving the site (e.g., stone pads, concrete or steel wash racks, or equivalent systems). Fine grains that remain visible (*i.e., staining*) on the surfaces of off-site streets, other paved areas, and sidewalks after you have implemented sediment removal practices are not a violation of this part.

If site conditions make it infeasible to install structural controls to prevent track-out (e.g., a linear operator conducting construction activities within a paved right-of-way or immediately adjacent and parallel to a paved right-of-way), the operator shall explain in the SWPPP why such controls cannot be installed; what alternative measures will be used to prevent sediment from being tracked-out or accumulated on paved areas; and what procedures will be used to ensure track-out is discovered and removed as soon as practicable.

The reasons for any departure from the use of standard ingress/ egress control measures to control track-out shall be documented in the SWPPP:

- a. Explain why structural control measures cannot be installed;
- b. Describe what alternative measures will be used to prevent sediment from being tracked-out or accumulated on paved areas; and
- c. Describe what procedures will be used to ensure track-out is discovered and removed as soon as practicable.

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4. The operator shall minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. These requirements do not apply to those products, materials, or wastes that are not a source of stormwater contamination or that are designed to be exposed to stormwater.
- a. Pollution Prevention Measures. The operator shall implement pollution prevention procedures to prevent litter, construction debris, and construction chemicals exposed to stormwater from becoming a pollutant source for stormwater discharges. These procedures shall include storage practices to minimize exposure of the materials to stormwater, and spill prevention and response practices.
  - b. Storage, Handling, and Disposal of Construction Products, Materials, and Wastes. The operator shall minimize the exposure to stormwater of any of the products, materials, or wastes specified below that are present at the site by complying with the requirements in this Part.
  - c. The operator shall consider and implement the following control measures, as appropriate:
    - i. For building products: In storage areas, provide either cover (e.g., plastic sheeting or temporary roofs) to prevent these products from coming into contact with rainwater, or implement a similarly effective means designed to prevent the discharge of pollutants from these areas.
    - ii. For pesticides, herbicides, insecticides, fertilizers, and landscape materials:
      - a. In storage areas, provide either cover (e.g., plastic sheeting or temporary roofs) to prevent these chemicals from coming into contact with rainwater, or implement a similarly effective means designed to prevent the discharge of pollutants from these areas; and
      - b. Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label.
    - iii. For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:
      - a. To comply with the prohibition in Part 1.4(3), store chemicals in water-tight containers, and provide either cover (e.g., plastic sheeting or temporary roofs) to prevent these containers from coming into contact with rainwater, or implement a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., spill kits), or provide secondary containment (e.g., spill berms, decks, spill containment pallets); and
      - b. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.
    - iv. For hazardous or toxic waste:
      - a. Separate hazardous or toxic waste from construction and domestic waste;

- b. Store in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, tribal, or local requirements;
  - c. Store all containers that will be stored outside within appropriately-sized secondary containment (e.g., spill berms, decks, spill containment pallets) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., storing chemicals in covered area or having a spill kit available on-site);
  - d. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, tribal, and local requirements; and
  - e. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.
  - v. For construction and domestic waste: Provide waste containers (e.g., dumpster or trash receptacle with covers/ lids) of sufficient size and number to contain construction and domestic wastes. In addition:
    - a. On work days, clean up and dispose of waste in designated waste containers; and
    - b. Clean up immediately if containers overflow.
  - vi. For sanitary waste: Position portable toilets outside of washes or other surface waters, or stormwater conveyances, such as curb and gutter systems, or streets. Ensure that they are secured and will not be tipped over using stakes or tie downs or other similar control measures.
5. Spill Prevention and Response Procedures. Operators are prohibited from discharging toxic or hazardous substances from a spill or other release, consistent with Part 1.4. The operator shall minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for timely and effective clean-up of spills if or when they occur by implementing measures such as:
- a. Procedures for plainly labeling containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
  - b. Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
  - c. Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause or detect a spill or leak should be knowledgeable in the proper reporting procedures established by their facility. Employees who are responsible for spill response and/or cleanup, must be properly trained and have necessary spill response equipment available; and
  - d. Procedures for notification of appropriate facility personnel and emergency response. Where a leak, spill, or other release occurs that contains a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, the operator shall immediately notify ADEQ Emergency Response Duty Office at

(602) 771-2330, or toll free at (800) 234-5677. Contact information must be in locations that are readily accessible and available. Within 7 calendar days of knowledge of the release, operators shall provide a description in the SWPPP of: the release; the circumstances leading to the release; and the date of the release. Local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

6. Fertilizer Discharge Restrictions.

Operators are required to minimize discharges of fertilizers containing nitrogen or phosphorus by applying these products consistent with manufacturer's specifications.

**3.6 Controls for Allowable Non-Stormwater Discharges and Dewatering Activities.**

Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls. Appropriate controls include, but may not be limited to sediment basins or traps; dewatering tanks; tube settlers; weir tanks; or filtration systems (e.g., bag or sand filters) that are designed to remove sediment; chemical treatment; or transportation offsite for disposal.

1. The operator shall ensure all water from dewatering or basin draining activities is discharged in a manner that does not cause nuisance conditions including erosion and / or sedimentation in receiving channels or on surrounding properties.
2. The operator shall retain superchlorinated wastewaters (i.e., containing chlorine above residual levels acceptable in drinking water systems) on-site until the chlorine dissipates, or shall otherwise effectively dechlorinate the water to concentrations that meet surface water quality standards of the surface water prior to discharge.

**3.7 Surface Outlets.**

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

**3.8 Surface Water Quality Standards.**

1. Surface Water Quality Standards.

The operator shall control discharges from the site as necessary to not cause or contribute to an exceedance of an applicable surface water quality standard (SWQS).

ADEQ expects that compliance with conditions in this permit will control discharges as necessary to not cause or contribute to an exceedance of an applicable surface water quality standard (A.A.C. Title 18, Chapter 11, Article 1). However, if at any time the operator becomes aware, or ADEQ determines, that the construction site's discharge causes or contributes to an exceedance of an applicable surface water quality standard, the operator shall take corrective action as required in Part 5.1, document the corrective actions as required in Parts 5.3 and 6.4, and report the corrective actions to ADEQ as required in Part 8.1.

Additionally, ADEQ may impose additional surface water quality-based requirements on a site-specific basis, or require the operator to obtain coverage under an individual permit in accordance with Part 1.2, if information in the NOI, required reports, or from other sources indicates that additional controls are necessary to not cause or contribute to an exceedance of an applicable surface water quality standard.

2. Discharge Limitations for Impaired or Not-attaining Waters and OAWs.

Operators of construction sites that have one or more outfalls that are located within 1/4 mile upstream of an impaired or not-attaining water or OAW are required to comply with the following requirements, which supplement the requirements applicable to the site in other corresponding parts of this permit:

- a. Frequency of Site Inspections. The operator shall conduct inspections at the frequency specified in Part 4.2(3).
- b. Deadline to Complete Stabilization. The operator shall comply with the deadlines for completing site stabilization as specified in Part 3.4(1)(c).
- c. Sampling and Analysis Plan. The operator shall prepare and submit a sampling and analysis plan as outlined in Part 7.2.

If the discharge is to an impaired or not-attaining water, ADEQ may notify the operator that additional limits or controls are necessary to not cause or contribute an exceedance of applicable surface water quality standards, any applicable waste load allocation (WLA), to prevent the site from contributing to an impairment, or if coverage under an individual permit is necessary in accordance with Appendix B, Subsection 17.

If during coverage under a previous permit, the operator was required to install and maintain control measures specifically to meet the assumptions and requirements of an USEPA approved or established TMDL (for any parameter) or to otherwise control a discharge to not cause or contribute an exceedance of applicable surface water quality standards, the operator shall continue to implement such controls as part of this permit.

## 4.0 INSPECTIONS

### 4.1 Inspector Qualifications.

The operator shall provide qualified personnel (as defined in Appendix A) to perform inspections according to the selected inspection schedule identified in the SWPPP. The operator shall conduct inspections of the site in accordance with Parts 4.2 through 4.5 of this permit.

### 4.2 Inspection Schedule.

At a minimum, the operator shall conduct a site inspection in accordance with one of the schedules listed below. The operator shall document in the SWPPP which schedule is being used and, when necessary, the location of the rain gauge or weather station used to obtain rainfall information. The Department encourages adding inspections before and/or during predicted storm events and “spot” inspections to ensure control measures will be effective in managing stormwater runoff and associated pollutants.

1. Routine Inspection Schedule. The operator shall ensure inspections are performed at the site as indicated below to ensure control measures are functional and that the SWPPP is being properly implemented. To determine the amount of rainfall from a storm event that occurs on the site (in accordance with options b. or c.), the operator shall obtain rainfall information (in accordance with Part 4.4(3)) from either a properly maintained rain gauge on the site, or a weather station that is representative of the site’s location. For any day of rainfall during normal business hours that measures 0.25 inch or greater, the total rainfall measured for that day shall be recorded in accordance with Part 4.4(3).
  - a. The site will be inspected a minimum of once within 7 calendar days, but not within 5 calendar days of the previous inspection; or
  - b. The site will be inspected a minimum of once within 14 calendar days, but not within 10 calendar days of the previous inspection, and within 24 hours of the occurrence of each storm event of 0.5 inch or greater in 24 hours; or
  - c. The site will be inspected a minimum of once per month, but not within 14calendar days of the previous inspection and within 24 hours of the occurrence of a storm event of 0.25 inch or greater.

Note: Within 24 hours of the occurrence of a “storm event” means that you must conduct an inspection within 24 hours once a storm event has produced 0.5 inches of precipitation within a 24-hour period, even if the storm event is still continuing. Thus, if you have elected to inspect in accordance with (b) above, and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.5 inches or more of rain, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

2. Reduced Inspection Schedule. The operator may reduce inspections if the entire site has been temporarily stabilized, discharges are unlikely based on seasonal rainfall patterns, or runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or frozen ground exists). With a reduced inspection schedule, the site shall be inspected at least once per month (but not within 14 calendar days of the previous inspection) and before an anticipated storm event and within 24 hours of each storm event of 0.5 inch or greater in 24 hours.
3. Inspection Schedule for Sites with Outfalls within 1/4 mile Upstream of Impaired or Not-Attaining Waters or OAWs. If any portion of the construction site has one or more outfalls within 1/4 mile upstream of an impaired or not-attaining water or OAW, the operator shall inspect the site at least once every 7-calendar days. The operator may reduce

- inspections to the schedule specified in Part 4.2(2) for those areas of the construction site that have undergone temporary or final stabilization.
4. Inspection Schedule for Inactive and Unstaffed Sites. A site is inactive and unstaffed that will have an anticipated period of no construction activity for at least six consecutive months. Inactive and unstaffed sites that have one or more outfalls within 1/4 mile upstream of an impaired or not-attaining water or OAW are not eligible for this reduced inspection frequency unless they have undergone temporary stabilization. Operator's responsibilities include:
    - a. Immediately before becoming inactive and unstaffed, the operator shall perform an inspection in accordance with Part 4.3. All control measures must be in operational condition in accordance with Part 3.2 prior to becoming inactive and unstaffed;
    - b. During the time the site is inactive and unstaffed, the operator shall perform an inspection at least once every six months and within 24 hours of each storm event of 0.5 inch or greater in 24 hours;
    - c. Non-storm event inspections must be at least three months apart;
    - d. All control measures must be maintained in operational condition;
    - e. The site shall be secured, such as limited access, blocking or fencing;
    - f. Maintain a statement in the SWPPP as required in Part 6.4(11) indicating that the construction site is inactive and unstaffed. The statement must be signed and certified in accordance with Appendix B, Subsection 9; and
    - g. If circumstances change and the site becomes active and/or staffed, this exception no longer applies and the operator shall immediately resume the routine inspection schedule. ADEQ retains the authority to revoke this exception from routine inspections where it is determined that the discharge causes, has a reasonable potential to cause, or contribute to an exceedance of an applicable water quality standard, including designated uses.
  5. Inspections are only required during the site's normal working hours. If an inspection day (except those required relative to a rainfall event) falls on a Saturday or holiday, the inspection may be conducted on the preceding workday. If the inspection day falls on a Sunday, the inspection may be conducted on the following Monday. If rainfall events occur on the weekend or holiday, an inspection relative to that event may be conducted the following workday.
  6. Inspections are not required under Adverse Conditions. The operator is not required to inspect areas that, at the time of the inspection, are considered unsafe for inspection personnel. Inspections may be postponed when conditions such as local flooding, high winds, or electrical storms, or situations that otherwise make inspections unsafe. The inspection must resume as soon as conditions are safe.

#### **4.3 Scope of Inspections.**

At a minimum, the inspector shall examine each of the following, during each inspection:

1. All structural controls identified in the SWPPP to ensure they are in place and functioning as intended. Repair, replace, or maintain any controls as necessary in accordance with Part 3.2;
2. The effectiveness of non-structural controls and practices (such as good housekeeping practices and pollution prevention measures);
3. All areas of the site used for storage of materials that are exposed to precipitation;

4. All locations where new or modified control measures are necessary to meet the requirements of Part 3;
5. Locations where vehicles and equipment enter or exit the site for evidence of tracking sediment, debris, and other pollutants onto and off the site;
6. Site conditions for evidence of, or the potential for, pollutants entering the municipal separate storm sewer;
7. The presence of materials or conditions subject to the CGP that are not addressed in accordance with the SWPPP;
8. Inspect outfalls, to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to surface waters;
9. All locations where temporary stabilization measures have been implemented; and
10. When a discharge is occurring during an inspection, observe and note the physical characteristics (color, odor, clarity, floating, settled, or suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollutants). In addition, when there is no discharge, examine each outfall for evidence of erosion, sedimentation and other their sources.

#### **4.4 Inspection Report Form.**

For each inspection, the operator shall complete an inspection report either on a form provided on the ADEQ website or an equivalent form developed by the operator that documents all of the information required by this permit. The operator may supplement the inspection report form as necessary with additional information, forms or drawings. Within 7 calendar days of completing the inspection, the corresponding inspection report shall be placed with previous reports (in chronological order) and kept with the SWPPP. At a minimum, the report shall include:

1. The inspection date;
2. Name(s) and title(s) of qualified person(s) making the inspection
3. Identification of discharges of sediment or other pollutants from the site. Identify the outfall(s) and associated control measures on the site map(s), in accordance with Part 6.3(6);
4. For inspections occurring during or after a storm event:
  - a. Best estimate of the beginning of each storm event;
  - b. Duration of each event;
  - c. Approximate amount of rainfall for each event (in inches);
  - d. A description of the physical characteristics of the stormwater discharge (Part 4.3(10)) from the site, when present;
  - e. Document the evidence of erosion, sedimentation and other pollutants; and
  - f. Document the presence of control measures in all areas inspected and whether such controls are operating effectively.
5. Identification of control measures that need to be maintained, failed to operate as designed, or proved inadequate. Until removed from the site, identify the location(s) of these control measures on the site map(s), in accordance with Part 6.3(6);
6. Identification of what additional control measures are needed, if any, that did not exist at the time of the inspection. Identify the location(s) of these control measures on the site map(s), in accordance with Part 6.3(6);

7. Identification of all sources of non-stormwater discharges occurring at the site and associated control measures in place;
8. Identification of material storage areas and, evidence of or potential for, pollutant discharge from such areas;
9. Corrective actions required (in accordance with Part 5.3), including any necessary changes to the SWPPP, and implementation dates (of corrective actions and SWPPP changes); and
10. Identification of any other instances of non-compliance with the conditions of this permit that are not associated with Part 4.4(10), or where the inspector does not identify any incidents of non-compliance, the inspection report shall contain a certification that the construction activities or site is being operated in compliance with the SWPPP and this permit.
11. If the operator determines that certain area(s) of the site are unsafe to inspect, the Inspection Report shall document the unsafe condition(s) and specify the locations where the unsafe condition(s) exists.

#### **4.5 Inspection Follow-up.**

1. Control Measure Assessment. Based on the findings and observations of the inspection, the operator shall implement the changes necessary to comply with the conditions in Part 3 and revise the SWPPP as needed in accordance with Part 6.5. The changes shall be implemented in accordance with the schedule described in “General Maintenance Requirements” in Part 3.2.
2. Corrective Actions. Based on the scope of inspection conducted in accordance with Part 4.3, the operator shall determine and implement appropriate corrective actions, and meet the applicable deadlines pursuant to Part 5.

## 5.0 CORRECTIVE ACTIONS.

### 5.1 Corrective Action Triggers.

Corrective actions are actions the operator takes in compliance with this Part to modify, or replace any control measure that failed to meet the conditions of Part 3. Routine maintenance or repairs do not constitute corrective actions. If any of the following conditions at the construction site occur resulting in or from a failure of a control measure, the operator shall implement new or modified control(s):

1. A necessary control measure was never installed, was installed incorrectly, or was not installed in accordance with the requirements in Part 3.2; or
2. A stormwater control needs to be repaired or replaced (beyond routine maintenance required under Part 3.2); or
3. One of the prohibited discharges in Part 1.4 is occurring or has occurred; or
4. ADEQ or USEPA determines that revisions to the control measures are necessary to meet the requirements of Part 3; or
5. A discharge is causing an exceedance of an applicable surface water quality standard.

On the same day a condition requiring corrective action is discovered, the operator shall take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if the problem is identified when it is too late in the work day to initiate a corrective action, the corrective action shall be initiated on the following work day, unless the condition poses imminent endangerment to human health or the environment, in which case the operator shall take immediate action.

### 5.2 Corrective Action Deadlines.

Any control measures or repairs required must be made operational, or completed, by no later than 7 calendar days from the time of discovery. If the operator cannot complete the necessary repairs or installation of controls within 7 calendar days, the SWPPP shall include the following:

1. The reason it is infeasible to complete the installation or repair within the 7 calendar day timeframe; and
2. The schedule for installing and making the control measure(s) operational as soon as practicable after the 7-day timeframe.

Any corrective actions that result in changes to any of the control measures or procedures shall be documented in the SWPPP within 7 calendar days of completing the corrective action work. The operator shall complete all corrective actions in accordance with the deadlines specified in this Part.

### 5.3 Corrective Action Report.

For each corrective action taken in accordance with this Part, the operator shall document the details of the corrective action in the inspection report required by Part 4.4. These reports shall be signed in accordance with the signatory requirements in Appendix B, Subsection 9 and maintained with the SWPPP in accordance with the record keeping requirements in Appendix B, Subsection 11.

1. Construction Sites with Outfalls Located within 1/4 Mile Upstream of an Impaired or Not-attaining Water or OAW. When any condition listed in Part 5.1 occurs, the operator of a construction site that has one or more outfalls located within 1/4 miles upstream of an impaired or not-attaining water or OAW (in accordance with Parts 1.5(3) or (4)) shall

submit a corrective action report to ADEQ, on or before 30 calendar days (from the date of the incident), in accordance with Part 8.1. The operator shall retain a copy of the inspection report documenting the corrective action(s) on-site with the SWPPP as required in Part 6.4.

2. **Report Schedule.** Within 7 calendar days of discovery of any condition listed in Part 5.1, the operator shall document and maintain with the SWPPP the following information:
  - a. Summary of corrective action taken or to be taken;
  - b. Whether SWPPP revisions are required as a result of this discovery or corrective action;
  - c. Date corrective action initiated or will be initiated; and
  - d. Date corrective action completed or expected to be completed.

## 6.0 STORMWATER POLLUTION PREVENTION PLAN (SWPPP) PREPARATION

### 6.1 General Information.

1. A site specific SWPPP shall be developed by a “qualified person” before the operator may submit the NOI for permit coverage, and before conducting any construction activity. Any SWPPP prepared for coverage under a previous version of this AZPDES construction general permit must be reviewed and updated by the operator to comply with this permit’s requirements prior to submitting the NOI in accordance with Part 2.3.

At least one SWPPP must be developed for each construction activity or site covered by this permit. A “joint” or “common” SWPPP may be developed and implemented as a cooperative effort where there is more than one operator at a site. All operators shall either implement their portion of a common SWPPP or develop and implement their own SWPPP.

2. The SWPPP shall be prepared and implemented in accordance with standard industry practices and shall:
  - a. Identify all potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the construction site;
  - b. Identify, describe, and ensure implementation of control measures that will be used to reduce pollutants in stormwater discharges from the construction site;
  - c. Assure compliance with the terms and conditions of this permit; and
  - d. Identify the responsible person for on-site SWPPP implementation.
3. All operator(s) shall sign and certify the SWPPP in accordance with the signatory requirements of Appendix B, Subsection 9.
4. The operator shall implement the SWPPP from initial commencement of construction activity until an NOT is submitted to ADEQ in accordance with Parts 2.5(1) or 2.6.
5. SWPPPs that do not meet all provisions of this permit are considered incomplete. Operating under an incomplete or inadequate SWPPP is a violation of the permit.
6. Emergency-Related Construction Activities. Operators conducting construction activities in response to an emergency (see Part 2.5), shall document the cause of the emergency (e.g., natural disaster, extreme flooding conditions, etc.), information substantiating its occurrence (e.g., state disaster declaration or similar state or local declaration), and describe the construction necessary to reestablish effected public services.

### 6.2 Types of Operators.

1. Operator Requirements. Either Part 6.1(2)(a) or (b), or both, will apply depending on the type of operational control a person exerts over the site. Part 6.1(2)(c) applies to all operators who have control over only a portion of a construction site.
  - a. Operators with Operational Control over Construction Plans and Specifications shall ensure that:
    - i. The SWPPP indicates the areas of the site where the operator has operational control over construction activity specifications, including the ability to make revisions in specifications;
    - ii. All other operators implementing portions of the SWPPP impacted by any changes made to the SWPPP are notified of such revisions in a timely manner; and

- iii. The SWPPP indicates the name(s) of the person(s) with day-to-day operational control of those activities necessary to ensure compliance with the SWPPP or other permit conditions.
- b. Operators with Control over Day-to-Day Activities shall ensure that:
  - i. The SWPPP identifies the persons responsible for implementation of control measures identified in the SWPPP;
  - ii. The SWPPP indicates areas of the site where each operator has operational control over day-to-day activities; and
  - iii. The SWPPP indicates the name(s) of the person(s) with operational control over construction activity specifications (including the ability to make revisions in specifications).
- c. Operators with Control over Only a Portion of a Larger Construction Site are responsible for compliance with the terms and conditions of this permit as it relates to the activities on the operator's portion of the construction site (including implementation of control measures required by the SWPPP). Operators shall ensure either directly or through coordination with other operators, that activities do not render another person's control measure(s) ineffective.

### 6.3 SWPPP Contents.

1. Stormwater Team. Each operator, or group of operators, must assemble a "stormwater team," which is responsible for overseeing the development of the SWPPP, any later revisions to it, and for compliance with the requirements in this permit. The SWPPP must identify the name, title and a description of the qualifications and a copy of any training certificates of team members, including inspector(s), as well as their individual responsibilities. Each member of the stormwater team must have ready access to an electronic or paper copy of applicable portions of this permit, the most updated copy of the SWPPP, and other relevant documents or information that must be kept with the SWPPP. The team may include members who are not employed by the operator (such as third party consultants).
2. Identification of Operators. The SWPPP shall identify all operators, including contact information, for the site and the areas and phases over which each operator has control.
3. Sequence and Estimated Dates of Construction Activities. The SWPPP must include a description of the intended sequence of construction activities, including a schedule of the estimated start dates and the duration of the activity, for the following activities:
  - a. Installation of control measures and when they will be made operational, including an explanation of the sequence and schedule for installation of the control measures;
  - b. Commencement and duration of construction activities, including clearing and grubbing, grading, site preparation (i.e., excavating, cutting and filling), underground utility installation, infrastructure installation, final grading, and creation of soil and vegetation stockpiles requiring stabilization;
  - c. Cessation, temporarily or permanently, of construction activities on the site, or in designated portions of the site including the beginning and ending dates of inactive/unstaffed status, when applicable;
  - d. Final or temporary stabilization of areas of exposed soil. The dates for stabilization must reflect the applicable deadlines to which the operator is subject in Part 3.4(1); and

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- e. Removal of temporary stormwater conveyances, channels, and other control measures; removal of construction equipment and vehicles; and cessation of any pollutant-generating activities.
4. Site Description. The SWPPP shall describe the construction site, including:
- a. A description of the site and its intended use after the NOT is submitted to ADEQ (e.g. low density residential, shopping mall, highway, etc.);
  - b. The total area of the site, and an estimate of the total area of the site expected to be disturbed by construction activities including off-site supporting activities, borrow and fill areas, staging and equipment storage areas;
  - c. The percentage of the site that is impervious (e.g., paved, roofed, etc.) before and after construction;
  - d. A description of the site's soils including potential for erosion;
  - e. Areas where it is infeasible to maintain a 50 foot buffer in accordance with Part 3.3(7), describe which alternative was selected for the site, and comply with any additional requirements to provide documentation;
  - f. On-site and Offsite Material Storage. The operator shall identify and describe all material storage areas (including overburden and stockpiles of dirt, borrow areas, etc.) used for the permitted site in the SWPPP unless those areas are covered by another AZPDES permit; and
  - g. A general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) – with enough detail to identify:
    - i. The location of the construction site and one mile radius; and
    - ii. The surface waters including tributaries within one mile radius of the site.
5. Site Map(s). The SWPPP shall contain a legible site(s) map or series of maps completed to scale, showing the entire site that identifies:
- a. Topography of the site, existing types of cover (e.g., forest, pasture, pavement, structures), and drainage pattern(s) of flow onto, over, and from the site property before and after major grading activities;
  - b. Drainage divides and direction of stormwater flow for all drainage areas located within the site limits (i.e., use arrows to show which way stormwater will flow);
  - c. Areas of soil disturbance and areas that will not be disturbed. Boundaries of the property and of the locations where construction activities will occur, including:
    - i. Locations where construction activities will occur, noting any phasing of construction activities;
    - ii. Locations where sediment or soil will be stockpiled;
    - iii. Locations of any crossings of surface waters;
    - iv. Designated points on the site where vehicles will exit onto paved roads; and
    - v. Locations of construction support activity areas covered by this permit (see Part 1.3(1)(c)).
  - d. Locations of temporary and permanent control measures identified in the SWPPP;
  - e. Locations where stabilization control measures are expected to occur;
  - f. Areas protected by buffers (i.e., either the 50-foot buffer or other buffer areas retained on-site when within 50 feet of a perennial water) consistent with Part 3.3(7). The site map must show the boundary line of all such buffers;

- g. Locations of on-site material, waste, borrow areas, or equipment storage areas, and other supporting activities (per Part 1.3(1)(c));
  - h. Locations of all potential pollutant-generating activities identified in Part 6.3(9). Examples include, but are not limited to: the pollutant-generating activities listed in Part 3.5 (fueling and maintenance operations; concrete, paint, and stucco washout); waste disposal; solid waste storage and disposal; and dewatering operations (Part 3.6);
  - i. Locations of all surface waters and any impaired or not-attaining waters or OAWs within 1/4 mile of the construction site. If none exist on-site, the SWPPP shall indicate so;
  - j. Stormwater outfall(s), using arrows to indicate discharge direction. Include the following:
    - i. Location(s) where stormwater and/or allowable non-stormwater discharges are discharged to surface waters (in accordance with Part 1.3); and
    - ii. Location(s) of any discharges to municipal separate storm sewer systems (MS4s) from the construction site.
  - k. Locations and registration numbers of all on-site drywells and drywells on adjacent properties that may receive stormwater runoff from the site, if available. If none exist, the SWPPP shall indicate so;
  - l. Areas where final stabilization has been accomplished and no further construction permit requirements apply (if none, the SWPPP shall indicate so); and
  - m. Location and boundaries of buffer zones to be preserved.
6. Receiving Waters. The SWPPP shall identify the nearest surface water that may receive stormwater discharges, including ephemeral and intermittent streams, dry washes, and arroyos. If applicable, the SWPPP shall also identify and describe any wetlands near the site that could be disturbed or that could potentially receive discharges from disturbed areas of the site. Indicate if the receiving surface water is listed as impaired, not-attaining or an OAW.
7. Control Measures to be used During Construction Activity. The SWPPP shall describe all control measures as required in Parts 3.3 through 3.7 that will be implemented and maintained as part of construction activities to control pollutants in discharges. For each control measure the SWPPP shall contain:
- a. A description of:
    - i. The appropriate control measure, including measures to minimize or eliminate non-stormwater discharges;
    - ii. The general sequence during the construction process or schedule of when the control measures will be implemented; and
    - iii. Which operator is responsible for the implementation of control measures.
  - b. Standard detail drawings and/or specifications for the structural control measures, including design or installation details, used on the site;
  - c. Specific sediment controls that will be installed and made operational prior to conducting activities in any given portion of the site to meet the requirement of Parts 3.3 through 3.7;
  - d. Documentation of controls for site egress points that are intended to minimize tracking of pollutants from vehicles leaving the site, consistent with Part 3.5(3).
8. Summary of Potential Pollutant Sources. The SWPPP shall identify the location and

description of any pollutant sources, including any non-stormwater discharges, associated with the construction activity, from:

- areas other than construction (i.e., support activities including stormwater discharges);
- dedicated asphalt or concrete plants; or
- other non-construction pollutant sources, such as fueling and maintenance operations, materials stored on-site, waste piles, equipment staging yards, etc.

The operator shall implement control measures in these areas to minimize pollutant discharges and shall detail these controls in the SWPPP.

If the construction site has one or more outfalls within 1/4 mile upstream of an impaired or not-attaining water, the SWPPP shall identify sources of the pollutants of concern listed on the 303(d) list that may potentially be discharged from the construction site and describe additional or enhanced control measures to minimize discharges of these pollutants.

9. Use of Treatment Chemicals. If polymers, flocculants, or other cationic treatment chemicals will be used at the site, the SWPPP shall include:

- a. A justification for the need for such chemicals and an assessment of potential water quality impacts;
- b. A description of the training specific personnel have or will receive on the use and storage of any cationic treatment chemicals and/or chemical treatment systems at the construction site;
- c. A listing of all treatment chemicals to be used at the site, a description of how the chemicals will be stored, and why the selection of these chemicals is suited to the soil characteristics of the site;
- d. The dosage of all treatment chemicals that will be used at the site or the methodology that will be used to determine dosage;
- e. A copy of any applicable Safety Data Sheets (SDS);
- f. Schematic drawings of any chemically-enhanced controls or chemical treatment systems to be used for application of the treatment chemicals;
- g. Copies of applicable manufacturer's specifications regarding the use of specific treatment chemicals and/or chemical treatment systems and references to state or local requirements affecting the use of these chemicals.

10. Pollution Prevention Procedures.

- a. Spill Prevention and Response Procedures. The SWPPP must describe procedures to prevent and respond to spills, leaks, and other releases consistent with Part 3.5, including:
  - i. Procedures for plainly labeling containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
  - ii. Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
  - iii. Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and

- iv. Procedures for notification of appropriate site personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 3.5(5) and established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available.

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

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

#### **6.4 Documentation Requirements including Permit Related Records.**

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

1. A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
2. A copy of the NOI submitted to ADEQ, including any correspondence exchanged between the operator and ADEQ specific to coverage under this permit;
3. A copy of the authorization certificate received from ADEQ;
4. Identification of any municipality that received a copy of the authorization certificate;
5. Copies of any other agreements (such as a CWA section 404 permit, local grading permit, etc.) with any state, local, or federal agencies that would affect the provisions or implementation of the SWPPP, if applicable;
6. Descriptions and dates of any incidences of spills, leaks, or other releases that resulted in discharges of pollutants in stormwater to a regulated MS4 or to surface waters the circumstances leading to the release and actions taken in response to the release and measures taken to prevent the recurrence of such releases (see Part 3.5(5));
7. Documentation of repairs of structural control measures, including the date(s) of discovery of areas in need of repair/replacement, date(s) that the structural control measure(s) returned to full function, and the justification for any extended repair schedules (see Part 3.2). The maintenance records shall include the date(s) of regular maintenance;
8. All inspection reports (see Part 4.4);
9. Description of any corrective action taken at the site, including triggering event and dates when problems were discovered and revisions occurred;
10. If the construction site's activities are located within 50 feet of a perennial water, the operator shall describe which alternative was selected for the site, and comply with any additional documentation requirements in Part 3.3(7).

11. Documentation to support the operator's claim that the construction activities have changed from active to inactive and unstaffed with respect to the requirements to conduct inspections (see Part 4.2(4));
12. A Sampling and Analysis Plan – For operators required to conduct analytical monitoring (Part 7.2), a Sampling and Analysis Plan (SAP) shall be implemented and kept with the SWPPP (as part of the SWPPP or as an appendix to the SWPPP).
13. Post-Construction Stormwater Management.
  - a. The SWPPP shall include a description of post-construction stormwater management control measures that will be installed during the construction process to control pollutants in stormwater discharges after construction has been completed.
  - b. If 'temporary' sediment basins are to be used as, or converted to retention basins in the post-construction phase, the operator shall remove and properly dispose of sediments accumulated in the basin, as necessary, to meet the original capacity, or the capacity that is specified in the post-construction specifications.
  - c. New discharge connections or permanent stormwater outfalls directly to OAWs are prohibited under this permit.

This permit only authorizes and requires the operator to install and maintain stormwater control measures up to and including final stabilization of the site, and does not require continued maintenance after stormwater discharges associated with the construction activity have been eliminated from the site and a NOT has been submitted to ADEQ. However, post-construction control measures that discharge pollutants from point sources once construction is complete may require authorization under a separate AZPDES permit. See Part 1.5(1).

## **6.5 SWPPP Updates and Revision Requirements.**

### **1. Maintaining an Updated SWPPP.**

The SWPPP shall be revised as necessary during permit coverage to reflect current conditions and to maintain accuracy. The operator shall make any required amendments to the SWPPP within 7 calendar days whenever:

- a. There is a change in design, construction, operation, or maintenance at the construction site that may have a significant effect on the discharge of pollutants to the surface that has not been previously addressed in the SWPPP; or
- b. During inspections, monitoring if required, or investigations by the operator or by ADEQ or USEPA, it is determined that the discharges are causing or contributing to surface water quality exceedances or the SWPPP is ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the construction site; or
- c. There is a change to the stormwater team.

### **2. Conditions Requiring SWPPP Revisions.**

The operator shall complete required revisions to the SWPPP within 7 calendar days following the occurrence of any of the conditions listed below. The operator shall modify the SWPPP, including the site map(s), in response to any of the following conditions:

- a. New operators become active in construction activities at the site, construction plans are changed (that will affect the quality of the discharge), control measures, pollution prevention measures, or other activities at the site are no longer

accurately reflected in the SWPPP. This includes changes made in response to corrective actions triggered under Part 5.1. Operators do not need to modify their SWPPPs if the estimated dates in Part 6.3(6) change during the course of construction;

- b. Areas on the site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
- c. If inspections or investigations by site staff, or by local, state, or federal officials determine that SWPPP revisions are necessary for compliance with this permit;
- d. ADEQ determines it is necessary to impose additional requirements on the discharge (in accordance with Part 6.5.1), the following must be included in the SWPPP:
  - i. A copy of any correspondence describing such requirements; and
  - ii. A description of the control measures that will be used to meet such requirements.
- e. To reflect any revisions to applicable federal, state, tribal, or local requirements that affect the control measures implemented at the site; and
- f. If applicable, if a change in chemical treatment systems or chemically-enhanced control is made, including use of a different treatment chemical, different dosage rate, or different area of application.
- g. SWPPP Revision Records. Operators are required to maintain records showing the dates of all SWPPP revisions. The records must include the name of the person authorizing each change (see Part 6.1(3)) and a brief summary of all changes.

3. Certification Requirements.

All revisions made to the SWPPP consistent with Part 6.5(2) must be authorized by a person identified in Appendix B, Subsection 9.

4. Required Notice to Other Operators.

When the operator determines that a revision to the SWPPP is required and there are multiple operators covered under a common SWPPP, any operators who may be impacted by the change to the SWPPP shall be notified at the address of record in the SWPPP.

## 6.6 Deficiencies in the SWPPP.

ADEQ may notify the operator at any time that the SWPPP does not meet one or more of the requirements of this permit. The notification shall identify the parts of this permit that are not being met and parts of the SWPPP that require revision to comply with the permit. Within 15 calendar days of receipt of the notification from ADEQ (or as otherwise provided by ADEQ), the operator shall make the required changes to the SWPPP and submit to ADEQ a written certification that the changes have been made. ADEQ may require re-submittal of the SWPPP to confirm all deficiencies have been adequately addressed.

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

**6.7 Posting, SWPPP Review and Making SWPPPs Available.**

1. The operator must post the authorization number(s) in a conspicuous location near the main entrance of the construction site and retain a copy of the authorization certificate in the SWPPP. For linear construction activities, the authorization number(s) must be posted near the entrance where most of the construction activity is occurring.
2. The operator must post the following statement with the authorization number: "For stormwater complaints, please visit [www.azdeq.gov](http://www.azdeq.gov)." Lettering must be 2" or greater.
3. A copy of the SWPPP shall be on-site or at an easily accessible location, whenever construction or support activities are actively underway, and shall be available to ADEQ or any other federal, state or local authority having jurisdiction over the site at any reasonable time (generally Monday through Friday, 8:00 a.m. to 5:00 p.m.).
4. The SWPPP shall be made available to ADEQ or any other federal, state, tribal, or local authority having jurisdiction over stormwater discharges from the site at the time of an on-site inspection.
5. The operator shall provide a copy of the SWPPP to ADEQ upon request within 7 calendar days or at a time frame agreed upon with ADEQ.
6. Operators with sites that meet the requirements for inactive and unstaffed are not required to maintain the SWPPP on-site. However, the SWPPP must be locally available (i.e., in Arizona) and must be on-site when conducting the inspections required by Part 4. For the purpose of a regulatory inspection, the SWPPP shall be made available to ADEQ, USEPA, or other Federal, State or local authority having stormwater program authority, within 48 hours of request. If otherwise requested by ADEQ, the operator shall submit copies of these documents within 14 calendar days of request.

**6.8 Procedures for Inspection, Maintenance, and Corrective Action.**

The SWPPP must describe the procedures operators will follow for maintaining their control measures, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 3.2, Part 4, and Part 5 of the permit. The following information must also be included in the SWPPP:

1. Personnel responsible for conducting inspections;
2. The inspection schedule that will be followed based on whether the site is subject to Part 4.2, and whether the site qualifies for any of the reduced inspection frequencies in Part 4.2(2) or 4.2(4). If conducting inspections in accordance with the inspection schedule in Part 4.2(3), document the weather information required in the inspection report;
3. If reducing the inspection frequency in accordance with Part 4.2(2) or 4.2(4), the beginning and ending dates of the reduced inspection period; and
4. Any inspection or maintenance checklists or other forms that will be used.
5. The operator shall ensure that all qualified personnel (see Appendix A) review the requirements of this permit. Qualified personnel are responsible for:
  - a. The design, installation, maintenance, and/ or repair of control measures (including pollution prevention measures);
  - b. The application and storage of treatment chemicals (if applicable);
  - c. Conducting inspections as required in Part 4; and
  - d. Taking corrective actions as required in Part 5.

## 7.0 STORMWATER MONITORING

The provisions of Part 7 apply only to construction sites with one or more outfalls within 1/4 mile upstream of an impaired, not-attaining or outstanding Arizona water (OAW), or as otherwise specified by ADEQ. Any portion of the construction site that extends within this distance is subject to the requirements of this Part, unless the operator provides a justification for not monitoring, consistent with Part 7.1. The monitoring plan, or justification, must be a part of the SWPPP and submitted to ADEQ for approval.

ADEQ may notify the operator, in writing, of additional discharge monitoring required to ensure protection of surface water if it is determined that a pollutant may be causing or contributing to an exceedance of a surface water quality standard.

### 7.1 Monitoring Program.

Operators of construction activities as described above in Part 7.0 shall prepare and implement a monitoring program that meets the requirements of this Part. Sites can be exempted from monitoring if the operator provides a demonstration acceptable to ADEQ that there is no potential for the discharge to reach the impaired, not-attaining or OAW, surface water.

Additionally, if the operator can demonstrate that there is no reasonable potential that construction activities will be an additional source of the specific pollutant for which the water is impaired, analytical monitoring for that parameter may not be required. As part of this demonstration, the operator must consider all on-site activities and pollutant sources, as well as any known pollutants (metals, nutrients, etc.) to be present in the on-site soils that will be disturbed.

### 7.2 Sampling and Analysis Plan (SAP).

The operator shall develop a written, site-specific, SAP for analytical monitoring of stormwater discharges, unless an acceptable rationale demonstrates that stormwater monitoring is not necessary, in accordance with Part 7.1. The SAP shall be a part of the SWPPP as either an appendix or separate SWPPP section. The SAP shall include:

1. Locations of monitoring sites;
2. The name(s) and title of the person(s) who will perform the monitoring;
3. A map showing the segments or portions of the surface water that are most likely to be impacted by the discharge of pollutant(s);
4. Water quality parameters and pollutants to be sampled;
5. The citation and description of the sampling protocols to be used;
6. Identification of the analytical methods and related method detection limits (if applicable) for each parameter required. Method detection limits shall be below applicable surface water quality standards as technology allows.

### 7.3 Analytical Monitoring Requirements.

1. When to Sample. The operator shall conduct analytical monitoring a minimum of two times per wet season throughout the duration of permit coverage. Analytical monitoring

is only required when stormwater or snowmelt exits the construction site by way of an outfall in sufficient quantity to allow for sample collection and analysis.

For the purposes of analytical monitoring, wet seasons are defined as follows:

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

2. Adverse Conditions. The operator is not required to collect samples under adverse conditions, in accordance with Part 4.2(6). Information about any adverse conditions that prevented sampling shall be documented in the SWPPP.

3. Where to Sample.

The operator shall conduct analytical monitoring at outfalls observed or suspected to contain the greatest pollutant load resulting from construction activities, using Table 7-1 below:

Number of Outfalls	Number of Samples
1 to 4	All
5 to 19	5
20 or more	25% of total

4. What to Sample.

- a. OAWs: All operators of construction sites with outfalls that are located within 1/4 mile upstream of an OAW shall monitor for turbidity, in Nephelometric Turbidity Units (NTU), both immediately upstream and downstream of each outfall. The operator shall compare turbidity values from the outfalls and if there is a 25% or more increase at the downstream outfall, the operator shall evaluate and replace, maintain, or install additional control measures as necessary to reduce sediment transport.
- b. OAWs: the operator shall also sample for any pollutants for which the OAW is impaired.
- c. Impaired or Not-attaining Waters: All operators with construction sites with outfalls that are located within 1/4 mile upstream of impaired or not-attaining waters shall monitor for the pollutant(s) for which the receiving water is impaired.
- d. Lakes: If the surface water is a lake that is impaired or not-attaining, or an OAW, a site-specific proposal for sampling the impact area shall be submitted with the SAP.

5. How to Sample. The operator shall establish written procedures for sample collection, preservation, tracking, handling, and analyses. The approved SAP (in accordance with Parts 1.5(3) and 1.5(4)) shall be a part of the SWPPP, either as an appendix or a separate SWPPP section. The SAP shall include the following:

- a. Sample Collection, Preservation, Tracking, Handling and Analyses:
  - i. Designate and train personnel to collect, maintain, and handle samples in accordance with the appropriate sample protocols.
  - ii. Identify water quality parameters/pollutants to be sampled including any pollutant(s) of concern in accordance with this Part;

- iii. Identify the required sample analyses and associated analytical method (analytical laboratory and field analyses).
- b. Written procedures for:
  - i. Sample collection (equipment and containers, calibration procedures, document site conditions during sampling, field notes and conditions under which the sample was taken);
  - ii. Preservation (sample preparation to meet holding times);
  - iii. Tracking (including chain-of-custody procedures); and
  - iv. Handling (packing, transporting and shipping procedures to maximize sample integrity).
- c. Calibration and Maintenance of Equipment and Monitoring Methods.

All monitoring instruments and equipment (including operators' own field instruments for measuring pH and turbidity) shall be calibrated and maintained in accordance with manufacturers' recommendations. All laboratory analyses shall be conducted according to test procedures specified in 40 CFR Part 136, unless other test procedures have been specified in this general permit.

All samples collected for analytical monitoring shall be analyzed by a laboratory that is licensed by the Arizona Department of Health Service (ADHS) Office of Laboratory Licensure and Certification. This requirement does not apply to parameters that require analysis at the time of sample collection as long as the testing methods used are approved by ADHS or ADEQ. These parameters may include flow, dissolved oxygen, pH, temperature, and total residual chlorine. The operator may conduct field analysis of turbidity if the operator has sufficient capability (qualified and trained employees, properly calibrated and maintained field instruments, etc.) to properly perform the field analysis.

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

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

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

or at the time the conditions in Part 2.6 have been met and an NOT is submitted in myDEQ, whichever is sooner.

## 8.0 RECORDKEEPING

### 8.1 Records.

1. Address for Submittal of All Forms and Reports. All documents required by this permit (NOIs, SWPPPs, NOTs, and DMRs) shall be submitted, in electronic format, in myDEQ. Any other written correspondence, such as Corrective Action Forms (see Part 5.3) shall be signed and dated in accordance with Appendix B, Subsection 9 of this permit and submitted to ADEQ at the address below:  

Arizona Department of Environmental Quality  
Surface Water Protection Unit  
1110 W. Washington Street  
Phoenix, AZ 85007
2. Record Retention. The operator shall retain records of all stormwater monitoring information, corrective actions, inspection and other reports with the SWPPP for a period of at least three years from the date the NOT was submitted to ADEQ.

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**APPENDIX A.****Definitions**

**24-hour Period** – any consecutive 24-hours.

**Anticipated Storm Event** – any storm event with at least a 30% chance of precipitation as predicted by the National Weather Service for the area local to the construction site.

**Approved Total Maximum Daily Loads (TMDLs)** – Approved TMDLs are those that are developed by the Arizona Department of Environmental Quality and approved by USEPA. See also, Total Maximum Daily Load.

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

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

**Calendar Day** - means the period of 24 consecutive hours commencing at 12:01 a.m. and concluding at midnight.

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

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

**Common Plan of Development or Sale** – A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

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

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

**Construction Support Activity** – a construction-related activity that exclusively supports the construction site and involves activities such as clearing, grading, excavating, and stockpiling of fill materials or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas. These activities may or may not be contiguous with

the construction site, but the acreage of the support area should be included in the total site acreage amount. When the term “support activities” is used without clarification, it means “construction support activities”.

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

**Control Measure** – refers to any practice or method (including effluent limitations) used to prevent or reduce the discharge of pollutants to surface waters.

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

**Director** – means the director of environmental quality or the director’s designee.

**Discharge** – when used without qualification, any addition of any pollutant to surface waters or to a MS4 from any point source.

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

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

**Drought-Stricken Area** – for the purposes of this permit, an area in which the National Oceanic and Atmospheric Administration’s U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely:

1. Drought to persist or intensify
2. Drought ongoing, some improvement
3. Drought likely to improve, impacts ease
4. Drought development likely

**Effective Operating Condition** – a control measure is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.

**Effluent Limitations** – any of the Part 3 requirements.

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

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

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

**Hazardous Materials, Substances, or Hazardous or Toxic Waste** – any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. Examples include paints, caulks, sealants, fluorescent light ballasts,

solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids. See also 40 CFR 261.2.

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

**Infeasible** – for the purpose of this permit, infeasible means not technologically possible or not economically practicable and achievable in light of best industry practices.

**Intermittent waters** – streams or reaches that flow continuously only at certain times of the year, as when it receives water from a spring or from another surface source, such as melting snow. [A.A.C. R18-11-101(25)]

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

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

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

- a. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges to surface waters;
- b. Designed or used for collecting or conveying stormwater;
- c. Which is not a combined sewer; and
- d. Which is not part of a Publicly Owned Treatment Works.

**Municipal Separate Storm Sewer System (MS4)** – all separate storm sewers, defined as “large,” “medium,” or “small” municipal separate storm sewer systems; or any municipal separate storm sewers on a system-wide or jurisdiction-wide basis as determined by the Director under A.A.C. R18-9-C902(A)(1)(g)(i) through (iv). [A.A.C. R18-9-A901(23)]. This also includes similar systems owned or operated by separate storm sewer municipal jurisdictions not required to obtain stormwater discharge authorization.

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

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

**Natural Vegetation** – vegetation that occurs spontaneously without regular management, maintenance, or species introductions or removals, and that generally has a strong component of native species.

**Not-Attaining Water** – [R18-11-601(11)] a surface water that is assessed as impaired, but is not placed on the 303(d) List because a TMDL is prepared and implemented for the surface water; or

an action which meets the requirements of R18-11-604(D)(2)(h) is occurring and is expected to bring the surface water to “attaining” before the next 303(d) List submission; or the impairment of the surface water is due to pollution but not a pollutant, for which a TMDL load allocation cannot be developed.

**Notice of Intent (NOI)** – the form (electronic) required for authorization of coverage under the Construction General Permit.

**Notice of Termination (NOT)** – the form (electronic) required for terminating coverage under the Construction General Permit.

**Outfall** – a “*point source*” as defined by 40 CFR 122.2 at the point where construction site stormwater discharges to surface waters or to a Municipal Separate Storm Sewer.

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

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

**Permittee** - for the purposes of this permit, a person who is given authorization to discharge stormwater from construction activities.

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

**Point Source** – as defined in 40 CFR 122.2, as any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

**Pollutant** – sediment, fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt (e.g., overburden material), and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous or hazardous substances. [A.R.S. § 49-201(29)]

**Pollutant-generating Activities** – at construction sites, those activities that lead to the discharge of pollutants, either as a result of construction activity or construction support activity. Types of pollutants that are typically associated with construction sites include, but are not limited to:

- a. Sediment;
- b. Nutrients;
- c. Heavy metals;
- d. Pesticides and herbicides;
- e. Oil and grease;
- f. Bacteria and viruses;
- g. Trash, debris, and solids;
- h. Treatment polymers; and
- i. Any other toxic chemicals.

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

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

**Process Wastewater** - any water which, during manufacturing or processing, comes into direct contact with or results from, the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

**Prohibited Discharges** – discharges that are not allowed under this permit, including:

- a. Wastewater from washout of concrete;
- b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
- c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- d. Soaps or solvents used in vehicle and equipment washing; and
- e. Toxic or hazardous substances from a spill or other release.

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

**Received** – for the purposes of this permit and in reference to NOIs, NOTs, Permit Waivers and SWPPPs, means the day the information was signed electronically in myDEQ and an Authorization to discharge was issued by myDEQ.

**Receiving Water** – a surface water as defined in A.A.C. R18-11-101(41) into which regulated stormwater discharges.

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

**Routine Maintenance** – refers to any maintenance task that is done on a planned and ongoing basis to identify and prevent problems before they result in equipment failure.

**Run-on** – stormwater that drains from land located upslope or upstream from the regulated site in question.

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

**Semi-Arid** – the parts of Arizona that receive an annual rainfall of between 10 and 20 inches.

**Site** – see “construction site”.

**Small Residential Lot** – for the purpose of this permit, a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

**Spill** – the release of a hazardous or toxic substance from its container or containment (see Part 3.5(5)).

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

**Steep Slope** - where a state, tribe, local government, or industry technical manual (e.g., stormwater BMP manual) has defined what is to be considered a “steep slope”, this permit’s definition automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 15 percent or greater in grade.

**Storm Event** – a precipitation event that results in an amount of precipitation 0.25” or greater.

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

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

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

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

**Surface Water** – a “Water of the United States” as defined in A.A.C. R18-11-101(41) and includes the following:

- a. A water that is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce;
- b. An interstate water, including an interstate wetland;
- c. All other waters, such as an intrastate lake, reservoir, natural pond, river, stream (including an intermittent or ephemeral stream), creek, wash, draw, mudflat, sandflat, wetland, slough, backwater, prairie pothole, wet meadow, or playa lake, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce, including any such water:
  - i. That is or could be used by interstate or foreign travelers for recreational or other purposes;
  - ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - iii. That is used or could be used for industrial purposes by industries in interstate or foreign commerce;
- d. An impoundment of a surface water as defined by this definition;
- e. A tributary of a surface water identified in subsections (41)(a) through (d); and
- f. A wetland adjacent to a surface water identified in subsections (41)(a) through (e).

**Surface Water Quality Standards (SWQS)** –standards that define the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. States and USEPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA sections 101(a)(2) and 303(c)). SWQS also include an Antidegradation Policy.

**Temporary Stabilization** – a condition where exposed soils or disturbed areas are provided a temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other

techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb this area.

**Topsoil** – the uppermost layer of naturally occurring soil for a particular area, and is often rich in organic matter, biological activity, and nutrients.

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

**Toxic Waste** – see “Hazardous Materials”

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

**Upstream** - The term upstream (or up river) refers to the direction towards the source of the river, against the direction of flow. Likewise, the term downriver (or downstream) describes the direction towards the mouth of the river, in which the current flows.

**Vegetative Buffer Strips** – small areas or strips of land of permanent vegetation, designed to intercept pollutants and manage other environmental concerns. Vegetative buffers include: riparian buffers, filter strips, grassed waterways, shelterbelts, windbreaks, living snow fences, contour grass strips, cross-wind trap strips, shallow water areas for wildlife, field borders, alley cropping, herbaceous wind barriers, and vegetative barriers.

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

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

**Work Day** – a calendar day on which construction activities will take place.

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**Acronyms**

A.A.C.	Arizona Administrative Code
ADEQ	Arizona Department of Environmental Quality
A.R.S.	Arizona Revised Statute
AZPDES	Arizona Pollutant Discharge Elimination System
CFR	Code of Federal Regulations
CWA	Clean Water Act
MS4	Municipal Separate Storm Sewer System
NOI	Notice of Intent
NOT	Notice of Termination
NTU	Nephelometric Turbidity Units
OAW	Outstanding Arizona Water
SAP	Sampling and Analysis Plan
SDS	Safety Data Sheet
SPCC	Spill Prevention Control and Countermeasure
SWPPP	Stormwater Pollution Prevention Plan
SWQS	Surface Water Quality Standard
TMDL	Total Maximum Daily Load
U.S. EPA	United States Environmental Protection Agency
USGS	United States Geologic Survey
WLA	Waste Load Allocation

## APPENDIX B. STANDARD PERMIT CONDITIONS

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

1. **Duty to Comply.** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(a)(1) and A.R.S. §§ 49-261, 262, 263.01, and 263.02.]
  - a. The operator shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act; A.R.S. Title 49, Chapter 2, Article 3.1; and A.A.C. Title 18, Chapter 9, Article 9, and is grounds for enforcement action, permit termination, revocation and reissuance, or revision, or denial of a permit renewal application.
  - b. The issuance of this permit does not waive any federal, state, county, or local regulations or permit requirements with which an operator discharging under this permit is required to comply.
  - c. The operator shall comply with any effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.
  
2. **Duty to Reapply / Continuation of the Expired General Permit.** [A.A.C. R18-9-A905, which incorporates 40 CFR 122.41(b) and A.A.C. R18-9-C903]
  - a. Upon reissuance of the general permit, the operator shall file an electronic Notice of Intent (NOI) through myDEQ, within the timeframe specified in the new general permit, and shall obtain new written authorization to discharge from the Director.
  - a. If the Director does not reissue the general permit before the expiration date, the current general permit will be administratively continued and remain in force and effect until the general permit is reissued.
  - b. Any operator granted authorization to discharge under the general permit before the expiration date automatically remains covered by the continued general permit until the earlier of:
    - i. Reissuance or replacement of the general permit, at which time the operator shall comply with the NOI conditions of the new general permit to maintain authorization to discharge; or
    - ii. The date the operator has submitted an electronic Notice of Termination; or
    - iii. The date the Director has issued an individual permit for the discharge; or
    - iv. The date the Director has issued a formal permit decision not to reissue the general permit, at which time the operator shall seek coverage under an alternative general permit or an individual permit, or cease discharge.
  
3. **Need To Halt or Reduce Activity Not a Defense.** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(c)]
 

It shall not be a defense for an operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
  
4. **Duty to Mitigate.** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(d)]
 

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

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

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

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

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

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

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

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

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

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

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

a. NOIs:

- i. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other operator who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- ii. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
- iii. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a

principal executive officer of a federal (or state) agency includes: (1) The chief executive officer (or director) of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

- b. All NOTs, reports, including SWPPPs, inspection reports, monitoring reports, and other information required by this permit must be signed by an operator described in Appendix B, Subsection 9(a) above or by a duly authorized representative of that operator. An operator is a duly authorized representative only if:
  - i. The authorization is made through myDEQ by an operator described in Subsection 9(a) above;
  - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the site, such as the position of manager, operator, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a named individual or any individual occupying a named position); and
  - iii. The signed and dated authorization is included in the SWPPP. A copy must be submitted to ADEQ, upon request through myDEQ.
- c. Certification. Any operator signing documents under the terms of this permit shall make the following certification:

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

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

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

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

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

- a. Representative Samples/Measurements. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.
- b. Retention of Records. The operator shall retain records of all monitoring

information, including all calibration and maintenance records, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date permit coverage ends. Operators shall submit any such records to the Director upon request. The operator shall retain the SWPPP developed in accordance with Part 6 of this permit, for at least three (3) years after the last revision or amendment is made to the plan. The Director may extend this retention period upon request by notifying the operator in writing at any time prior to the end of the standard three year retention period.

- c. Records Contents. Records of monitoring information must include:
- i. The date, exact place, and time of sampling or measurements;
  - ii. The initials or name(s) of the individual(s) who performed the sampling or measurements;
  - iii. The date(s) analyses were performed;
  - iv. The time(s) analyses were initiated;
  - v. The initials or name(s) of the individual(s) who performed the analyses;
  - vi. References and written procedures, when available, for the analytical techniques or methods used;
  - vii. The analytical techniques or methods used; and
  - viii. The results of such analyses.
- d. Any operator who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained in this permit is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which includes the possibility of fines and/or imprisonment.

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

- a. Planned changes. The operator shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted site. Notice is required only when:
- i. The alteration or addition to a permitted site may meet one of the criteria for determining whether a site is a new source in 40 CFR 122.29(b) (incorporated by reference at A.A.C. R18-9-A905(A)(1)(e)); or
  - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1) (incorporated by reference at A.A.C. R18-9-A905(A)(3)(b)).
- b. Monitoring reports. Monitoring results must be reported at the intervals specified elsewhere in this permit.
- i. Monitoring results must be reported on a Discharge Monitoring Report (DMR) provided online by ADEQ. Pursuant to Section 7.4, all monitoring data collected pursuant to Part 7 must be submitted electronically to the Department using the e-Discharge Monitoring Report (e-DMR) form, available at [www.azdeq.gov/mydeq](http://www.azdeq.gov/mydeq).
  - ii. If the operator monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the e-DMR (if available), or submitted as a separate

- report.
- iii. Calculations for all limitations which require averaging of measurements must use an arithmetic mean and non-detected results must be incorporated in calculations as the limit of quantitation for the analysis.
  - c. Anticipated noncompliance. The operator shall give advance notice to the Director of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
  - d. Twenty-four hour reporting.
    - i. The operator shall report to ADEQ any noncompliance with this permit which may endanger human health or the environment. The operator shall orally notify the office listed below within 24 hours:  
Arizona Department of Environmental Quality – Surface Water Protection  
1110 W. Washington Street, Phoenix, AZ 85007  
602-771 – 2330
    - ii. A written submission shall also be provided to the office identified above within five (5) days of the time the operator becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
    - iii. The following shall be included as information which must be reported within 24 hours under this paragraph.
      - 1) Any upset which exceeds any effluent limitation in the permit.
      - 2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR 122.44(g) which is incorporated by reference at A.A.C. R18-9-A905(A)(3)(d)).
    - iv. ADEQ may waive the written report on a case-by-case basis for reports under this subsection if the oral report has been received within 24 hours.
  - e. Other noncompliance. The operator shall report all instances of noncompliance not otherwise required to be reported under this subsection, at the time monitoring reports are submitted. The reports shall contain the information listed in subsection 12(d).
  - f. Other information. When the operator becomes aware that it failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Department, the operator shall promptly submit the facts or information to ADEQ in myDEQ.

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

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

**14. Other Environmental Laws.**

No condition of this general permit releases the operator from any responsibility or requirements under other environmental statutes or regulations. For example, this permit does not authorize the taking of endangered or threatened species as prohibited by

Section 9 of the Endangered Species Act, 16 U.S.C. 1538. Information regarding the location of endangered and threatened species and guidance on what activities constitute a taking are available from the U.S. Fish and Wildlife Service. The operator shall also comply with applicable State and Federal laws, including Spill Prevention Control and Countermeasures (SPCC).

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

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State or Tribal law or regulation under authority preserved by Section 510 of the Clean Water Act.

**16. Severability.**

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

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

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

- v. The operator's right to appeal the individual permit requirement with the Water Quality Appeals Board under A.R.S. § 49-323, the number of days the operator has to file a protest challenging the individual permit requirement, and the name and telephone number of the Department contact operator who can answer questions regarding the appeals process; and
  - vi. The operator's right to request an informal settlement conference under A.R.S. 41-1092.03(A) and 41-1092.06.
- c. The discharger shall apply for an individual permit within 90 days of receipt of the notice, unless the Director grants a later date. In no case shall the deadline be more than 180 days after the date of the notice.
  - d. If the discharger fails to submit the individual permit application within the time period established in Appendix B, Subsection 17(c) the applicability of the general permit to the discharger is automatically terminated at the end of the day specified by the Director for application submittal.
  - e. Coverage under the general permit shall continue until an individual permit is issued or denied unless the general permit coverage is terminated under Appendix B, Subsection 17(d).

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

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

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

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

- a. Permitted owner or operator. The operator shall submit an electronic Notice of Termination within 30 days after the new owner or operator assumes responsibility for the site.
  - i. The e-Notice of Termination shall include all requirements for termination specified in the general permit for which the e-Notice of Termination is submitted.
  - ii. An operator shall comply with the permit conditions specified in the general permit for which the e-Notice of Termination is submitted until the e-Notice of Termination is submitted to the Department.
- b. New owner or operator.
  - i. The new owner or operator shall submit an e-Notice of Intent to the Department within the time period specified in the general permit before taking over operational control of, or initiation of activities at, the site.
  - ii. If the previous permittee was required to implement a stormwater pollution prevention plan, the new owner shall develop a new stormwater pollution prevention plan, or may modify, certify, and implement the old stormwater

pollution prevention plan if the old stormwater pollution prevention plan complies with the requirements of the current general permit.

- iii. The operator shall submit an e-Notice of Termination to the Department when:
  - 1) The site ceases construction operations and the discharge is no longer associated with construction or construction-related activities,
  - 2) The construction is complete and final site stabilization is achieved, or
  - 3) The operator's status changes.

**20. Bypass.** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(m)]

- a. Definitions.
  - i. Bypass means the intentional diversion of waste streams from any portion of a treatment facility
  - ii. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b. Bypass not exceeding limitations. The operator may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions Appendix B, Subsections 20(c) and 20(d).
- c. Notice.
  - i. Anticipated bypass. If the operator knows in advance of the need for a bypass, if possible prior notice shall be submitted at least ten days before the date of the bypass.
  - ii. Unanticipated bypass. The operator shall submit notice of an unanticipated bypass as required in Appendix B, Subsection 12(d).
- d. Prohibition of bypass.
  - i. Bypass is prohibited, and ADEQ may take enforcement action against the operator for bypass, unless:
    - 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable industry judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - 3) The operator submitted notices as required under Appendix B, Subsection 20(c).
  - ii. ADEQ may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in this Appendix B, Subsection 20(d).

**21. Upset.** [A.R.S. §§ 49-255(8) and 255.01(E), A.A.C. R18-9-A905(A)(3)(a), which

incorporates 40 CFR 122.41(n)]

- a. Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the operator. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix B, Subsection 21(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset. An operator who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - i. An upset occurred and that the operator can identify the cause(s) of the upset;
  - ii. The permitted facility was at the time being properly operated;
  - iii. The operator submitted notice of the upset as required in Appendix B, Subsection 12(d)(iii); and
  - iv. The operator complied with any remedial measures required under Appendix B, Subsection 4.
- d. Burden of proof. In any enforcement proceeding, the operator, who is seeking to establish the occurrence of an upset, has the burden of proof.

## **22. Penalties for Violations of Permit Conditions.**

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

- a. Civil Penalties. A.R.S. § 49-262 provides that any operator who violates any provision of A.R.S. Title 49, Chapter 2, Article 2, 3 or 3.1 or a rule, permit, discharge limitation or order issued or adopted under A.R.S. Title 49, Chapter 2, Article 3.1 is subject to a civil penalty not to exceed \$25,000 per day per violation.
- b. Criminal Penalties. Any operator who violates a condition of this general permit, or violates a provision under A.R.S. Title 49, Chapter 2, Article 3.1, or A.A.C. Title 18, Chapter 2, Article 9 is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which may include the possibility of fines and/or imprisonment.