

Permit No. AZG2003-001



**STATE OF ARIZONA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER QUALITY DIVISION  
PHOENIX, ARIZONA 85007**

**ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM  
GENERAL PERMIT FOR DISCHARGE FROM CONSTRUCTION ACTIVITIES  
TO WATERS OF THE UNITED STATES**

This permit provides Authorization to Discharge Under the Arizona Pollutant Discharge Elimination System program, in compliance with the provisions of the Arizona Revised Statutes, Title 49, Chapter 2, Article 3.1, the Arizona Administrative Code, Title 18, Chapter 9, Articles 9 and 10, and the Clean Water Act as amended (33 U.S.C. 1251 et seq.)

This general permit specifically authorizes only discharges from construction activities in Arizona by those owners or operators who submit a complete Notice of Intent in accordance with Part III of this general permit and who comply with the general permit requirements and conditions. 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 defined in Part IX.

A copy of this general permit must be kept at the construction site at all times.

This general permit becomes effective on February 28, 2003.

This general permit and the authorization to discharge expire at midnight, February 28, 2008.

Issued this 25<sup>th</sup> day of FEB, 2003.

**ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**

A handwritten signature in black ink, appearing to read "Karen Smith", is written over a horizontal line. Below the line, the name and title of the signatory are printed.

Karen Smith, Director  
Water Quality Division

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## PART I. COVERAGE UNDER THIS GENERAL PERMIT

- A. Permit Area.** This general permit covers the state of Arizona, except for Indian country.<sup>1</sup>
- B. Eligibility.** This general permit authorizes discharges from large construction activities as defined in 40 CFR 122.26(b)(14)(x) and small construction activities as defined in 40 CFR 122.26(b)(15)(i), provided the operator complies with all the requirements of this general permit and submits a Notice of Intent (NOI) in accordance with Part III of this general permit. Note these and other federal regulations referenced in this permit are incorporated by reference as state rules in Arizona Administrative Code (A.A.C.) R 18-9-A905.

Any discharges that do not comply with the eligibility conditions of this permit are not authorized by the permit. A person must either apply for a separate AZPDES permit to cover the ineligible discharge(s), cease the discharge(s), or take necessary steps to make the discharge(s) eligible for coverage under this permit.

### C. Authorized Discharges.

1. Allowable Stormwater Discharges. An operator may discharge pollutants in:
  - a. Discharges of stormwater runoff associated with construction activities as defined in 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15)(i);
  - b. Discharges designated by the Department as 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) and 40 CFR 122.26(b)(14)(x);
  - c. Discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:
    - i. The support activity is directly related to a construction site that is required to have NPDES or AZPDES permit coverage for discharges of stormwater associated with construction activity;
    - ii. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
    - iii. Appropriate controls and measures covering the discharges from the support activity areas are identified in a stormwater pollution prevention plan (SWPPP);
  - d. Non-stormwater discharges as noted in Part I.C.2 or otherwise specifically allowed by the permit; and
  - e. Discharges comprised of a discharge listed in (a) through (d) above commingled with a discharge authorized by a different NPDES or AZPDES permit and/or a discharge that does not require AZPDES permit authorization.

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<sup>1</sup>The state of Arizona, Department of Environmental Quality, Water Quality Division, does not have permit authority for Indian country. Construction discharge permits for Indian country within the state must be acquired through EPA Region IX or other appropriate permitting authority.

2. Allowable Non-Stormwater Discharges. An operator may discharge the following non-stormwater discharges, provided they are not a significant source of pollutants and the operator implements appropriate BMPs to minimize pollutants discharged per Part IV.D.7.
  - a. Discharges from fire-fighting activities;
  - b. Fire hydrant flushing;
  - c. Waters used to wash vehicles where detergents are not used;
  - d. Water used to control dust, provided effluent or other wastewaters are not used;
  - e. Potable water sources including water line flushing;
  - f. Routine external building wash down where detergents are not used;
  - g. Pavement wash 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;
  - h. Uncontaminated air conditioning or compressor condensate;
  - i. Uncontaminated ground water or spring water;
  - j. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
  - k. Potable water well flushing where the receiving waters are ephemeral,
  - l. Water used for compacting soil, provided effluent or other wastewaters are not used;
  - m. Water used for drilling and coring such as for evaluation of foundation materials, where flows are not contaminated with additives; and
  - n. Water obtained from dewatering operations/foundations in preparation for and during excavation and construction.

**D. 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 undergone final stabilization. Post-construction stormwater discharges from industrial sites may need to be covered by a separate AZPDES permit.
2. Prohibition on Discharges Mixed With Non-Stormwater. This general permit does not authorize discharges that are mixed with sources of non-stormwater except as allowed in Part I.C.
3. Discharges Covered by Another AZPDES permit. This general permit does not authorize stormwater discharges associated with construction activity that have been covered under an individual permit or have been required to obtain coverage under an alternative general permit per Part VII.S.

4. Discharges Threatening Water Quality. This permit does not authorize discharges that will cause or contribute to non-attainment of water quality standards or to the designated use of receiving waters. The operator must design and implement Best Management Practices (BMPs) sufficient to meet this requirement.
5. Discharging into Impaired Receiving Waters. An operator is not automatically eligible to discharge under this permit if the site is within 1/4 mile of receiving waters and/or tributaries listed as impaired under 303(d) of the Clean Water Act.
  - a. To receive approval, the Notice of Intent and SWPPP shall be submitted to the Department for review to determine whether the SWPPP and the selected BMPs are sufficiently protective of water quality. The SWPPP must specifically identify BMPs and/or other controls that will minimize discharge of pollutants from the site. The SWPPP shall include a proposal for monitoring to determine if BMPs and controls are effective.
  - b. If a discharge contains pollutants for which a TMDL has been established, the SWPPP must specifically identify BMPs and/or other controls necessary to ensure the discharges will be consistent with the provisions of the TMDL.
  - c. If the operator receives a notification from ADEQ stating that there are concerns with the SWPPP, the operator must revise it so that there is greater assurance that the discharge will not cause or contribute to non-attainment of SWQS. Prior to approval, the Department may require that specific controls or monitoring be implemented or specific BMP design criteria be followed.
  - d. Within 32 business days of receipt, ADEQ will notify the operator whether: 1) it is acceptable to proceed under the general permit; 2) the SWPPP needs revisions; or 3) there is cause for eligibility denial. If notification is not received in this time-frame, the operator may assume coverage under this permit.
6. Discharging into Unique Waters. An operator is not automatically eligible to discharge under this permit if the site is within 1/4 mile of receiving waters or their tributaries listed as unique in R18-11-112.
  - a. To receive approval, the Notice of Intent and SWPPP shall be submitted to the Department for review to determine whether the SWPPP and the selected BMPs are sufficiently protective of water quality. The SWPPP must specifically identify BMPs and/or other controls that ensure the discharges will minimize discharge of pollutants from the site and that no degradation of the receiving water will occur. The SWPPP shall include a proposal for monitoring to determine if BMPs and controls are effective.
  - b. If the operator receives a notification from ADEQ stating that there are concerns with the SWPPP, the operator must revise it so that there is greater assurance that SWQS will be met. Prior to approval, the Department may require that specific controls or monitoring be implemented or specific BMP design criteria be followed.
  - c. Within 32 business days of receipt, ADEQ will notify the operator whether: 1) it is acceptable to proceed under the general permit; 2) the SWPPP needs revisions; or 3) there is cause for an eligibility denial. If notification is not received in this time-frame, the operator may assume coverage under this permit.

**E. Waivers for Small Construction Activities.** There are two scenarios under which the Department may exempt a small construction operator from the requirement to obtain coverage

under a stormwater permit. These exemptions are predicated on certain criteria being met and proper application procedures being followed:

1. Low Erosion Potential. The small construction project's rainfall erosivity factor calculation ("R" in the Revised Universal Soil Loss Equation) must be less than 5 during the **entire** period of construction activity. The applicant must certify to the Department that construction activity will occur only when the rainfall erosivity factor is less than 5. The erosivity factor must be calculated using EPA approved methods or by using ADEQ's Smart NOI database. If the operator calculates this number, the calculation and methods used must be submitted on the waiver form.

The period of construction activity begins at initial earth disturbance and ends with final site stabilization. The operator must submit a Permit Waiver Certification form to the Department before commencing construction activities in accordance with Part III.B. If construction activity will continue past the date specified in the certification, the applicant must follow the recertification requirements in Part III.B.3.

*Note: The rainfall erosivity factor is based on Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), pages 21–64, dated January 1997. This information is available on EPA's web site at <http://www.epa.gov/owm/sw/>.*

2. Total Maximum Daily Load. Stormwater controls are not needed when an EPA-approved "total maximum daily load" (TMDL) indicates that receiving water quality will not be impacted by discharges from small construction sites. The TMDL must specifically address the pollutant(s) of concern and conclude that waste load allocations for small construction sites are unneeded to protect water quality, expected growth in pollutant contributions from all sources, and a margin of safety. The applicant must certify to the Department that all construction activity and stormwater discharges will occur within the drainage area addressed by the TMDL. An exemption from the requirements of this permit on the basis of a TMDL must be obtained directly from the Department in accordance with Part III.B.4 and requested at least 32 business days before any construction occurs.
3. Additional Condition for Exemption. Persons that are not required to file for permit coverage per this section, must operate exempt construction sites in a manner that minimizes pollutants in the discharges. In the event discharges from the site may cause or contribute to non-attainment of water quality standards, ADEQ may require the operator to obtain permit coverage.

## **PART II. AUTHORIZATION UNDER THIS GENERAL PERMIT**

- A. **Application for Coverage**. A person may be authorized to discharge under this permit only if the stormwater discharge is associated with construction activities from the project site. An applicant seeking authorization to discharge under this general permit shall:

1. Meet the eligibility requirements under Part I.B;
2. Develop and implement a SWPPP that meets Part IV of this permit and that covers either the entire site or all portions of the site for which the person is an operator. A "joint" SWPPP may be developed and implemented as a cooperative effort where there is more than one operator at a site. The SWPPP must be prepared prior to submission of the Notice of Intent (NOI) and must be implemented prior to the start of construction; and



3. Submit to the Department a complete and accurate NOI Form in Appendix A (or a photocopy/reproduction). Other NOI options (i.e., electronic submission) may also be used if the Department notifies dischargers of alternatives either directly, by public notice, or by making information available on the internet. If the facility has the potential to discharge to a municipal separate storm sewer system (MS4), the applicant must also forward a copy of the completed NOI to the owner/ operator of the MS4 system at the time it is submitted to the Department.
  - a. Whenever the operator changes or another is added during the construction project, the new operator must also submit an NOI to be authorized under this permit.
  - b. Only one NOI need be submitted to cover all of one operator's activities on the common plan of development or sale (e.g., the operator does not need to submit a separate NOI for each separate lot in a residential subdivision or for two separate buildings being constructed at a manufacturing facility, provided the SWPPP covers each area for which the operator has control).
  - c. If discharges to a unique or impaired water are proposed, the SWPPP must be submitted along with the NOI.
4. Submission of the NOI demonstrates the operator's intent to be covered by this permit; it is not a determination by the Department 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 the discharges were never eligible for coverage under this permit.

**B. Effective Date of Permit Coverage.**

1. Discharges to Impaired or Unique Waters. Applicants with a discharge that may reach impaired or unique waters are not authorized under this permit for a minimum of 32 business days following receipt of the NOI and SWPPP. ADEQ may notify operators within this time-frame that there is cause for SWPPP amendment, or denial of coverage as specified in Parts 1.D.5 and 1.D.6 of this permit. If notification is not received in the 32 business day time-frame, the operator may assume coverage under this permit.
2. Incomplete NOI Submitted.
  - a. If ADEQ notifies the operator that an NOI is incomplete or incorrect, the operator must resubmit an amended NOI if the operator still intends to obtain coverage under this permit.
  - b. Whether or not ADEQ notifies the operator of a deficiency in the NOI, discharges are not authorized under this permit if the operator submits an incomplete or incorrect NOI.
3. NOIs Requiring Additional Evaluation. ADEQ may inform an operator that authorization to discharge will not occur for up to 32 business days in the event that screening of any NOI provides information requiring further evaluation. This notification may be made either in writing, electronically, by fax or phone contact. The notification typically will be made within 2 business days after receipt of the NOI. Operators who receive notice of a delay in coverage may discharge 32 business days after the date the NOI is received unless further notice is received from ADEQ during this time-frame. Such further notice may confirm authorization to discharge or deny permit coverage and require an application for individual permit.
4. Routine Coverage. Except as provided in B.1 through B.3. above, all eligible operators are authorized to discharge stormwater from construction activities under the terms and

conditions of this permit two business days after the date that a complete and accurate NOI is received (see definitions) by ADEQ's Water Quality Division. Sections B.1 and B.3 above, do not apply to operators of on-going construction projects that were authorized to discharge under the 1998 construction general permit (63 FR 7858, February 17, 1998 for EPA Region 9), and that comply with the conditions of Part III.C.2.

### **C. Terminating Coverage.**

1. The operator shall submit a complete and accurate Notice of Termination (NOT) to the Department within 30 days after any of the following conditions have been met:
  - a. Final stabilization has been achieved on all portions of the site for which the operator is responsible;
  - b. Another operator has assumed control according to Part VII.K.3 over all areas of the site that have not been finally stabilized; or
  - c. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner (or a homeowner's association).
2. The operator shall use the Notice of Termination (NOT) form in Appendix C (or a copy/reproduction). Other NOT options (i.e., electronic submission) may also be used if the Department notifies dischargers of alternatives either directly, by public notice, or by making information available on the internet. The NOT shall include:
  - a. The NPDES or AZPDES permit number for the stormwater discharge identified by the NOT;
  - b. The basis for submission of the NOT;
  - c. The name, address, and telephone number of the operator submitting the NOT;
  - d. The name of the project and street address (or a description of location if no street address is available) of the construction site for which the notification is submitted;
  - e. The latitude and longitude of the construction site: and
  - f. The following certification, signed by a qualified signatory as defined in Part VII.K.2 of this permit and the name and title of the person who signs. For construction projects with more than one operator, the operator must only make this certification for those portions of the construction site where he was authorized under this permit and not for areas where he was not an operator:

*"I certify under penalty of law that all stormwater discharges associated with construction activity from the identified facility that are authorized by a general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge stormwater associated with construction activity under this general permit, and that discharging pollutants in stormwater associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES or AZPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act."*

For the purposes of this certification, 'elimination of stormwater discharges associated with construction activity' means that final stabilization (as defined in Part IX) has been completed for disturbed soils or that all stormwater discharges associated with construction activities have otherwise been eliminated, from the portion of the construction site where the operator had control.

3. If the facility is located within a municipal separate storm sewer system (MS4), the operator must also forward a copy of the completed NOT to the operator of the MS4 system at the time it is submitted to the Department.
4. Authorization to discharge terminates at midnight on the day a complete and accurate NOT is received by the Department.

### **PART III. NOTICE OF INTENT REQUIREMENTS**

*Important: The operator must read and understand all the conditions and requirements of this permit before submitting either of the applications described in Part III, Sections A and B.*

**A. Notice of Intent (NOI) Requirements.** Construction site owners or operators who intend to seek authorization for their stormwater discharges under this general permit must submit a complete and accurate AZPDES NOI form to the Department. If the operator desires, or is required, to obtain an individual stormwater permit by ADEQ, the operator cannot use an NOI for this purpose. Instead, the operator must contact the Department for the proper application procedure. The NOI form contains the following information:

1. The name, address, and telephone number of the construction site operator;
2. Whether the operator is a federal, state, tribal, private, or other public entity;
3. The type of project and whether the project is part of a greater plan of development;
4. The name (or other identifier), address, county of the construction project or site;
5. An accurate latitude/longitude of the construction project or site at the point nearest to the receiving water;
6. Whether the site is located on Indian Country lands;
7. Confirmation that a SWPPP has been developed and will be implemented prior to commencement of construction activities;

*Note: Except for discharges to unique or impaired waters, DO NOT include copies of SWPPPs, local plans, or permit language with the NOI submission.*

8. The location where the SWPPP may be viewed and the name and telephone number of a contact person for scheduling viewing times;
9. The name of the receiving water(s).
10. The name of the municipal separate storm sewer system or any privately owned conveyance into which you have a potential to discharge, if applicable;
11. Estimates of the total project acreage and the acreage to be disturbed by the operator

submitting the NOI, to the nearest ½ acre;

12. The operator's estimated project start and completion dates;
13. Any non-stormwater discharges expected to be associated with construction activities at the site;
14. Whether the project has or will need any other environmental permits or approvals, including subdivision approvals and 404 permits, and the permit number, if applicable;
15. If a linear project, the operator shall state whether any portion is within 1/4 mile of an impaired or unique water; and
16. The following certification statement, signed and dated by a qualified signatory, as defined in Part VII.K.1, and the name and title of the person who signs:

*"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 gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons direction responsible for gathering the information, I believe the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition I certify that the permittee will comply with all terms and conditions stipulated in General Permit No. AZG2003-001 issued by the Director."*

#### **B. Permit Waivers for Small Construction Projects.**

1. Exempt Coverage. An operator of a small construction activity may be exempted from obtaining coverage under a stormwater permit based on:
  - a. A total maximum daily load (TMDL) determination for the receiving waterbody. See Part III.B.4 for how to apply for this waiver.
  - b. A low potential for soil erosion during the active construction phase of the project. Low potential for erosion is defined as a rainfall erosivity (R) factor of less than 5 as calculated per the Method specified in EPA Fact Sheet 3.1, EPA 833-F-00-014 (which can be accessed via ADEQ's website) or determined by ADEQ's "Smart NOI" website. To be granted this exemption, a small construction operator must submit a Permit Waiver Certification form.

*Note: Construction activities that will disturb 5 acres or greater cannot be exempted from stormwater permitting requirements. Also, construction activities that disturb less than 5 acres, but the parcel is part of a greater (5 acres or more) common plan of development or sale can not be exempted. Additionally, should a calculated erosivity factor conflict with the factor calculated by the Smart NOI website, the Department shall rely on the website for the final determination.*
2. The Permit Waiver Certification Based on Low Erosion Potential. An operator of a construction activity that is eligible for a waiver based on low erosivity potential must provide the following information on the Waiver Certification Form:
  - a. The name, address, and telephone number of the construction site operator(s);

- b. The name (or other identifier), address, county, of the construction project or site;
  - c. A complete and accurate latitude/longitude of the construction project or site;
  - d. Project start and completion (final stabilization) dates
  - e. Estimates of the total project acreage and the acreage to be disturbed by the operator submitting the NOI, to the nearest ½ acre;
  - e. If there is any potential for discharge through a municipal separate storm sewer system, the name of the municipal operator of the storm sewer;
  - f. Verification that the rainfall erosivity factor calculation that applies to the active construction phase at the project site is less than five (5) calculated either per the Method specified in EPA Fact Sheet 3.1, EPA 833-F-00-014 which can be found via ADEQ's website, or the Arizona "Smart NOI" system;
  - f. The certification statement, signed by a qualified signatory as defined in Part VII.K.1.
3. Recertification Requirements. If the small construction project continues beyond the projected completion date given on the Permit Waiver Certification, the operator must recalculate the rainfall erosivity factor for the new project duration. If the R factor is below five, the operator may resubmit the Permit Waiver Certification form with all applicable inputs updated. The new Permit Waiver Certification form must be received at ADEQ at least two business days before the project completion date indicated on the original Permit Waiver Certification form to assure the exemption from permitting requirements is uninterrupted. If the new R factor is five or above, the operator must prepare a SWPPP and submit an NOI as required under Part III, Sections A and E.
4. Applying for the Total Maximum Daily Load Exemption. If an operator believes that a TMDL-based exemption from permitting requirements applies to the construction project as per Part I.E.2, the operator must directly contact the Department at least 32 business days prior to commencing construction activities. The Department will assess the validity of the exemption claim, and grant the exemption if justified. The Department will send the operator a written notice of the determination.

**C. Deadlines for Notification.**

1. New Projects.  
 An operator of a large construction project must ensure the Department receives a NOI at least two business days prior to the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).
- An operator of a small construction project starting on or after March 10, 2003, must ensure the Department receives a NOI or Erosivity Waiver at least two business days prior to the commencement of construction activities.
2. Ongoing Large Construction Projects. Operators of large construction projects ongoing as of the effective date of this permit, that received authorization to discharge for these projects under the 1998 construction general permit (63 FR 7858, February 17, 1998 for EPA Region 9), must:
- a. Submit a complete and accurate NOI within 90 days of the effective date of this

permit. If the operator is eligible to submit a Notice of Termination (e.g., construction is finished and final stabilization has been achieved) before the 90th day, a new NOI is not required to be submitted;

- b. For the first 90 days from the effective date of this permit, continue to comply with the terms and conditions of the 1998 construction general permit; and
- c. Update the SWPPP, as necessary, to comply with the requirements of this permit within 90 days after the effective date of this permit.

3. Ongoing Small Construction Projects. Operators of ongoing small construction projects must:

- a. Submit a NOI within 90 days of the effective date of this permit;
- b. For the first 90 days from the effective date of this permit, comply with the terms and conditions of all applicable local erosion and sediment control requirements; and
- c. Develop and implement a SWPPP that complies with the requirements of this permit within 90 days after the effective date of this permit. If the construction is completed and final stabilization achieved before the 90th day, submittal of an NOI and development of a SWPPP is not required.

4. Changes in Operators. For construction projects where the operator changes, including instances where an operator is added after an NOI has been submitted, the new operator must ensure the NOI is received by the Department at least two business days before assuming operational control over site specifications or commencing work on-site.

**D. Late Applications.** The operator is only permitted for discharges that occur after a complete and accurate NOI is received by ADEQ. In the absence of a Permit Waiver Certification submittal, the Department will assume that the operator was supposed to have applied for coverage under the construction general permit. The Department reserves the right to take enforcement action for any unpermitted discharges or permit noncompliance that occur between the time construction commenced and either discharge authorization is granted, denied, or a complete and accurate Permit Waiver Certification is submitted.

**E. Where to Submit.** The applicant shall submit the NOI (application) to:

Arizona Department of Environmental Quality  
Water Permits Section/Stormwater NOI (5415B-3)  
1110 W. Washington Street  
Phoenix, Arizona 85007  
or fax to (602)771-4674

Other electronic submission options may become available at a future date.

**F. Notification to Receiving MS4s/Local Authorities.** If the facility has the potential to discharge to a MS4, the applicant must also forward a copy of the completed NOI to the owner/operator of the MS4 system at the time it is submitted to the Department. Also, an operator who is operating under an approved local sediment and erosion plan, grading plan or stormwater management plan, shall submit a signed copy of the NOI to the local authority upon their request.

## **PART IV. STORMWATER POLLUTION PREVENTION PLANS (SWPPPs)**

**A. General Information.** The operator must prepare a Stormwater Pollution Prevention Plan (SWPPP) before submitting the NOI for permit coverage. At least one SWPPP must be developed for each construction project or site covered by this permit. The operator must implement the SWPPP as written from initial commencement of construction activity until final stabilization is complete. The SWPPP must be prepared and implemented in accordance with good engineering practices and must:

1. Identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction site;
2. Identify, describe and ensure implementation of BMPs that will be used to reduce the amount of pollutants in stormwater discharges from the construction site; and
3. Assure compliance with the terms and conditions of this permit.
4. Identify responsible party for on-site SWPPP implementation.

**B. SWPPP Requirements for Different Types of Operators.** An operator may meet one or both of the operational control components in the definition of "operator" in Part IX. Either Section IV.B.1 or B.2, or both, will apply depending on the type of operational control one exerts over the site. Section IV.B.3 applies to all operators who have control over only a portion of a construction site.

1. Operators with Operational Control Over Construction Plans and Specifications must ensure that:
  - a. The project specifications meet the minimum requirements of this Part and all other applicable conditions;
  - b. The SWPPP indicates the areas of the project where the operator has operational control over project specifications, including the ability to make modifications in specifications;
  - c. All other operators implementing portions of the SWPPP impacted by any changes made to the plan are notified of such modifications in a timely manner; and
  - d. The SWPPP indicates the name(s) of the party(ies) with day-to-day operational control of those activities necessary to ensure compliance with the SWPPP or other permit conditions.
2. Operators With Control Over Day-to-Day Activities must ensure that:
  - a. The SWPPP meets the minimum requirements of this Part and identifies the parties responsible for implementation of control measures identified in the plan;
  - b. The SWPPP indicates areas of the project where each operator has operational control over day-to-day activities; and
  - c. The SWPPP indicates the name(s) of the party(ies) with operational control over project specifications (including the ability to make modifications in specifications).

3. Operators With Control Over Only a Portion of a Larger Project (e.g., one of four homebuilders in a subdivision), are responsible for compliance with the terms and conditions of this permit as it relates to the activities on his/her portion of the construction site (including implementation of BMPs and other controls required by the SWPPP). Operators must ensure either directly or through coordination with other operators, that activities do not render another party's pollution control ineffective. All operators must either implement their portion of a common SWPPP or develop and implement their own SWPPP:

**C. Contents of a SWPPP: Site and Activity Description.**

1. Identification of Operators. The SWPPP must identify all operators for the project site, and the areas over which each operator has control.
2. Site Description. The SWPPP must describe the nature of the construction activity, including:
  - a. A description of the project and its intended use after the NOT is filed (e.g. low density residential, shopping mall, highway, etc.)
  - b. A description of the intended sequence of activities that disturb soils at the site (e.g., grubbing, excavation, grading, utilities, and infrastructure installation);
  - c. The total area of the site, and an estimate of the total area of the site expected to be disturbed by excavation, grading, or other activities including off-site borrow and fill areas;
  - d. An estimate of the runoff coefficient of the site for both the pre-construction and post-construction conditions and data describing the soil and any existent data on the quality of any discharge from the site; and
  - e. A general location map (e.g., U.S.G.S. quadrangle map, a portion of a city or county map, or other map) with enough detail to identify the location of the construction site and the receiving waters within one mile of the site.
3. Site Map. The SWPPP must contain a legible site map completed to-scale, showing the entire site, that identifies:
  - a. Directions of stormwater flow (e.g., use arrows to show which ways stormwater will flow) and approximate slopes anticipated after major grading activities;
  - b. Areas of soil disturbance and areas that will not be disturbed;
  - c. Locations of structural and nonstructural controls identified in the SWPPP;
  - d. Locations where stabilization practices are expected to occur;
  - e. Locations of off-site material, waste, borrow areas, or equipment storage areas;
  - f. Locations of all surface water bodies (including wetlands);
  - g. Locations where stormwater discharges to a surface water (including ephemeral waters or dry washes) and to MS4s;



- h. Locations and registration numbers of on-site drywells; and
  - i. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.
4. Receiving Waters. The SWPPP must identify the nearest receiving water(s), including ephemeral and intermittent streams, dry sloughs, arroyos. If applicable, the SWPPP must also identify the areal extent and describe any wetlands near the site that could be disturbed or that could potentially receive discharges from disturbed areas of the project.
  5. Summary of Potential Pollutant Sources. The SWPPP must identify the location and describe any stormwater or non-stormwater discharges at the site associated with activity other than construction and other pollutant sources such as fueling operations, materials stored on-site, waste piles, etc.. This also includes discharges from dedicated asphalt plants and dedicated concrete plants that are covered by this permit.
  6. Off-site Material Storage. The SWPPP must identify and address offsite material storage areas or borrow areas used solely by the operator's project.

**D. Contents of a SWPPP: Controls to Reduce Pollutants**

1. Stormwater Controls. The SWPPP must describe all pollution control measures (i.e., BMPs) that will be implemented as part of the construction project to control pollutants in stormwater discharges. For each major activity identified in the project description, the SWPPP must clearly describe appropriate control measures; the general sequence during the construction process that the measures will be implemented; and which operator is responsible for the control measure's implementation.

Offsite material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) used solely by the permitted project are considered a part of the project and must be addressed in the SWPPP.

2. Erosion and Sediment Controls. The SWPPP must address the following:
  - a. Design. Erosion and sediment controls shall be designed to retain sediment on site to the extent practicable.
  - b. Selection, Installation, and Maintenance. All control measures must be properly selected, installed, and maintained per the manufacturers' specifications and good engineering practices. If periodic inspections or other information is discovered that indicates a control has been used inappropriately, or installed incorrectly, the operator must replace or modify the control for site situations as soon as practicable and before the next anticipated storm event.
  - c. Offsite Accumulation of Sediment. When sediment escapes the construction site, offsite accumulations of sediment must be routinely removed and at a frequency sufficient to ensure no adverse effects on water quality.
3. Good Housekeeping. The SWPPP must describe good housekeeping procedures to prevent litter, construction debris, and construction chemicals exposed to stormwater from becoming a pollutant source for stormwater discharges.
4. Stabilization Practices.

- a. Description and Schedule. The SWPPP must include a description of and identify interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. The SWPPP shall document where any existing vegetation is to be preserved.
  - b. Deadlines for Stabilization. The operator must initiate stabilization measures within 14 days in portions of the site where construction activities have temporarily or permanently ceased, except:
    - i. Where stabilization by the 14th day is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.
    - ii. Where construction activity on a portion of the site is temporarily ceased, but earth disturbing activities will be resumed in that area within 14 days. In this event, temporary stabilization measures do not have to be initiated on that portion of site.
    - iii. When the site is using vegetative stabilization but is located in an area with an average annual rainfall of < 20 inches **and** it is during seasonally arid conditions, vegetative stabilization measures must be initiated as soon as practicable.
    - iv. When the site is using vegetative stabilization but is located in other areas of the state experiencing drought conditions (see definitions), vegetative stabilization measures must be initiated as soon as practicable.
  - c. Records of stabilization. The operator must maintain the following records as part of the SWPPP:
    - i. Dates when major grading activities occur;
    - ii. Dates when construction activities temporarily or permanently cease on a portion of the site; and
    - iii. Dates when stabilization measures are initiated and completed and reasons for delay, if applicable, under IV.D.4.b.
5. Structural Practices. The SWPPP must describe structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Placement of structural practices in floodplains shall be avoided to the degree attainable. A combination of sediment and erosion control measures is required to achieve maximum pollutant removal.
- a. Sediment Basins.
    - i. For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm from each disturbed acre drained, must be provided where attainable until final stabilization of the site. Where no calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, shall be provided where attainable until final stabilization of the site. When computing the number of acres draining into

a common location it is not necessary to include flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the operator may consider factors such as site soils, slope, available area on site, etc. If "non-attainability" is claimed, then an explanation of that non-attainability shall be included in the SWPPP. In any event, the operator must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls must be used where site limitations preclude a safe design.

- ii. For drainage locations that serve 10 or more disturbed acres at one time and where a sediment basin meeting the provision of Part IV D.5.a.1 is not attainable, smaller sediment basins and/or sediment traps shall be used. Where a sediment basin is not attainable, silt fences, vegetative buffer strips, or alternatives which achieve effective sediment control are required for all down slope boundaries of the construction area (and for those side slope boundaries deemed appropriate as dictated by individual site conditions).
  - iii. For drainage locations serving less than 10 acres, smaller sediment basins and/or sediment traps shall be used. Silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2 year, 24 hour storm or 3,600 cubic feet of storage per acre drained is provided.
- b. Velocity dissipation devices. Velocity dissipation devices must be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. no significant changes in the hydrological regime of the receiving water).
6. Post-construction Stormwater Management. The SWPPP must include a description of post-construction storm water management measures that will be installed during the construction process to control pollutants in stormwater discharges after construction operations have been completed. Structural measures shall be placed on upland soils to the degree attainable. Such measures must be designed and installed consistent with applicable local or state stormwater management requirements.

*Note: The installation of these devices may also require a separate permit under section 404 of the Clean Water Act. The operator is only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site, and is not responsible for maintenance after stormwater discharges associated with construction activity have been eliminated from the site. However, post-construction stormwater BMPs that discharge pollutants from point sources once construction is completed, may in themselves, need authorization under a separate AZPDES permit.*

7. Non -Stormwater Discharge Management. The SWPPP must identify all allowable sources of non-stormwater discharges listed in Part I.C.2 of this permit except for flows from fire fighting activities. Non-storm water discharges are to be eliminated or reduced to the extent feasible. The operator must implement appropriate BMPs to minimize pollutants in any non-stormwater discharges

and must describe those BMPs in the SWPPP. Except if used in emergency firefighting, superchlorinated wastewaters must be held on-site until the chlorine dissipates, or otherwise dechlorinated prior to discharge.

8. Other Controls. The SWPPP must describe:

- a. Measures to prevent the discharge of solid materials, including building materials, to waters of the United States, except as authorized by a permit issued under section 404 of the Clean Water Act;
- b. Measures to minimize off-site vehicle tracking of sediments, to the extent practicable, and the generation of on-site dust;
- c. Construction and waste materials expected to be stored on-site with updates as appropriate. The SWPPP must also include a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response practices;
- d. Any pollutant sources from areas other than construction (including stormwater discharges from dedicated asphalt plants and dedicated concrete plants and any other non-construction pollutant sources), with details of controls and measures that will be implemented at those sites to minimize pollutant discharges; and
- e. Measures to sufficiently stabilize soil at culvert locations to prevent the formation of rills and gullies during construction.

**E. Maintenance.**

1. All erosion and sediment control measures (BMPs) and other protective measures identified in the SWPPP must be maintained in effective operating condition. If site inspections identify BMPs that are not operating effectively, maintenance must be performed as soon as practicable and before the next anticipated storm event.
2. If existing BMPs need to be modified or additional BMPs are necessary, implementation must be completed before the next anticipated storm event. If implementation before the next storm event is impracticable, alternative BMPs shall be implemented as soon as practicable.
3. The operator must remove sediment from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.

**F. Permit Related Records.** The operator must include a copy of this permit; the NOI that was submitted to the Department; and a copy of the certificate received from the Department specifying the authorization number in the SWPPP. If other agreements with any state, local, or federal agencies exist that would affect the provisions or implementation of the SWPPP, the SWPPP must include copies of those agreements.

*Note: The confirmation of coverage letter the operator will receive from the Department assigning the permit authorization number is **not** the permit - it merely acknowledges that the NOI has been accepted and the operator has been authorized to discharge subject to the terms and conditions of this general permit.*

**G. Applicable federal, State, or Local Programs.**

The SWPPP must be consistent with all applicable federal, State, or local requirements for soil

and erosion control or stormwater management. The SWPPP may incorporate by reference the appropriate elements of plans required by other agencies. A copy of any requirements incorporated by reference shall be included as an attachment to the SWPPP. The SWPPP must be updated as necessary to remain consistent with any revisions made to such requirements.

#### H. Inspections.

1. Routine Inspection Schedule. The operator must ensure routine inspections are performed at the site to ensure that BMPs are functional and that the SWPPP is being properly implemented. The operator must specify an inspection schedule in the SWPPP and may choose either of the following:
  - a. The site will be inspected at least once every 7 calendar days, or
  - b. The site will be inspected at least once every 14 calendar days, and also within 24 hours of the end of each storm event of 0.5 inches or greater.
2. Reduced Inspection Frequency. When any of the following conditions apply:
  - a. The site has been temporarily stabilized;
  - b. Runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or frozen ground exists); or
  - c. Construction is in an area of the state that receives < 20 inches of average annual rainfall and construction is occurring during the seasonal dry period;

The operator is required to routinely inspect only once each month, and anytime rain is predicted, and within 24 hours of the end of each storm event of 0.5 inches or greater.

3. Inspectors. Inspections must be done by qualified personnel (provided by the operator or cooperatively by multiple operators). "Qualified personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls and who possesses the skills to assess conditions at the site that could impact stormwater quality and the effectiveness of the BMPs selected to control the quality of the stormwater discharges.
4. Scope of Inspections. Inspections must include all areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation. Inspectors must look for evidence of, or the potential for, pollutants entering the drainage system. Sedimentation and erosion control measures identified in the SWPPP must be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that the inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of offsite sediment tracking. All BMPs and areas inspected and the conditions found must be documented.
5. Compliance Evaluation Report. For each inspection, the operator shall complete an inspection report. At a minimum the report must include:
  - a. The inspection date;

- b. Name(s) and title(s) and qualifications of person(s) making the inspection. Qualifications must either be on/attached to the report or alternatively, if the SWPPP documents the qualifications of the inspectors by name, that portion of the SWPPP may be referenced.
  - c. Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection), including best estimate of the beginning of each storm event, duration of each event, time elapsed since last storm event, and approximate amount of rainfall for each event (in inches);
  - d. Location(s) of discharges of sediment or other pollutants from the site;
  - e. Location(s) and identification of BMPs that need to be maintained; failed to operate as designed or prove inadequate;
  - f. Location(s) where additional BMPs that do not exist at the time of inspection are needed;
  - g. Corrective actions required, including any changes to SWPPP necessary and implementation dates;
  - h. Identification of all sources of non-storm water and the associated pollution prevention control measures; and
  - i. Identification of material storage areas and, evidence of or potential for, pollutant discharge from such areas.
6. Maintaining Inspection Records. The operator must ensure the inspection report and record of any follow-up actions taken is retained as part of the SWPPP for at least three years from the date that permit coverage expires or is terminated. Inspection reports must identify any non-compliance with the conditions of this permit. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the construction project or site is being operated in compliance with the SWPPP and this permit. The report shall be signed in accordance with Part VII.K. of this permit.
7. Follow-Up Actions. Based on the results of the inspection, the operator must modify the SWPPP to include additional or modified BMPs designed to correct problems identified. The operator must complete revisions to the SWPPP within seven calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation must be completed before the next anticipated storm event. If implementation before the next anticipated storm event is impracticable, they shall be implemented as soon as practicable.

- I. Maintaining an Updated SWPPP.** The operator must amend the SWPPP within 15 business days whenever:
- 1. There is a change in design, construction, operation, or maintenance at the construction site that has a significant effect on the discharge of pollutants to the waters of the United States that has not been previously addressed in the SWPPP; or
  - 2. During inspections, monitoring if required, or investigations by the operator or by local, state, MS4, or federal officials, it is determined the discharges are causing or contributing to water quality exceedances or the SWPPP is ineffective in eliminating or

significantly minimizing pollutants in stormwater discharges from the construction site.

**J. Signature, Plan Review, and Making Plans Available.**

1. The operator must sign the SWPPP in accordance with Part VII.K, and retain the plan on-site at the construction site or other location easily accessible during normal business hours.
2. The operator must post a sign or other notice near the main entrance of the construction site with the following information:
  - a. The NPDES or AZPDES authorization number for the project or a copy of the NOI if an authorization number has not yet been assigned,
  - b. The name and telephone number of a local office or site contact person,
  - c. A brief description of the project, and
  - d. The location of the SWPPP if the site is inactive or does not have an on-site location to store the plan, and the name of a contact person for accessing the SWPPP.
3. Upon request, the operator shall provide a copy of the SWPPP to the Department, or to any other state, federal, local agency, tribal authority, or operator of a municipal separate storm sewer (MS4) that receives discharges from the site or that approves sediment and erosion plans, grading plans, or stormwater management plans.
4. The operator shall keep the SWPPP on-site or locally accessible and available, in its entirety, to the Department, local authority, or EPA for review and copying at the time of an on-site inspection.
5. Any other person may make a written request to the Department for access to a copy of the SWPPP. In this event, the Department shall request and the operator shall provide within 14 calendar days, a copy for ADEQ to make available for public review.

**K. Deficiencies in the SWPPP.** The Department may notify the operator at any time that the SWPPP does not meet one or more of the requirements of this Part. The notification must identify the provisions of this permit that are not being met and parts of the SWPPP that require modification. Within 15 business days of receipt of the notification from the Department (or as otherwise provided by the Department), the operator must make the required changes to the SWPPP and submit to the Department a written certification that the requested changes have been made. The Department may request re-submittal of the SWPPP to confirm all deficiencies have been adequately addressed. The Department may also take appropriate enforcement action for the period of time the operator was operating under a plan that did not meet the minimum requirements of this permit.

**PART V. SPECIAL CONDITIONS**

**A. Hazardous Substances or Oil.** The operator must prevent or minimize the discharge of hazardous substances or oil in the discharge(s) from the construction site in accordance with the SWPPP. This permit does not relieve the operator of the reporting requirements under 40 CFR 110, 40 CFR 117 and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

- B. Releases in Excess of Reportable Quantities.** Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302, occurs which has a potential to impact any stormwater discharges authorized under this permit.

The operator must modify the SWPPP within 14 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, SWPPPs must identify measures to prevent the reoccurrence of the releases and to respond to such releases.

- C. Spills.** This general permit does not authorize the discharge of any substance resulting from on-site spills, or oil or chemicals.
- D. Non-Attainment of Water Quality Standards After Authorization.** At any time after authorization, the Department may determine that an operator's stormwater discharges may cause or contribute to non-attainment of any applicable water quality standards. If the Department makes such a determination, ADEQ shall notify the operator in writing. In response the operator shall develop a supplemental BMP action plan describing SWPPP modifications to address the identified water quality concerns; or submit an individual permit application. If ADEQ's written notice requires a response, failure to timely respond constitutes a permit violation. All responses provided under this part must be certified in accordance with Part VII.K of this permit.
- E. Continuation of the Expired General Permit.** If the Director does not reissue this general permit before the expiration date, it will be administratively continued and remain in force and effect. Any operator granted general permit coverage before the expiration date will automatically remain covered by the continued general permit until the earlier of:
1. 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
  2. The date the Director receives the operator's Notice of Termination; or
  3. The date the Director issues an individual permit for the project's discharge; or
  4. The date the Director issues a formal permit decision not to reissue this general permit, at which time operators must seek coverage under an alternative general permit or an individual permit.

## **PART VI. RETENTION OF RECORDS**

- A. Documents.** The operator shall retain copies of SWPPPs and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, for at least three years from the date of final stabilization of the site. ADEQ may extend this retention period upon request by notifying the operator in writing at any time prior to the end of the standard 3-year retention period.
- B. Accessibility.** The operator shall retain a copy of the SWPPP (including a copy of the permit) at the construction site (or other local location accessible to the Department and other parties identified in Section IV.K) from the date of commencement of construction activities to the date of NOT submittal. Operators with day-to-day control over SWPPP implementation must have a copy of the SWPPP available at a central location on-site for the use of all operators and those



identified as having responsibilities under the SWPPP whenever they are on the construction site.

- C. Addresses.** All written correspondence concerning discharges covered under this permit, must be sent to the Department at the address specified in Section III.E.

## **PART VII. STANDARD PERMIT CONDITIONS**

- A. Duty to Comply.** [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.]

1. 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, Articles 9 and 10, and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, or denial of a permit renewal application.
2. The issuance of this permit does not waive any federal, state, county, or local regulations or permit requirements with which a person discharging under this permit is required to comply.
3. The operator shall comply with the effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the Clean Water Act within the time provided in the regulation that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

- B. Duty to Reapply.** [R18-9-A905 which incorporates 40 CFR 122.41(b)]  
If the operator wishes to continue an activity regulated by this permit after the expiration date of this permit, the operator must apply for and obtain a new permit.

- C. Need to Halt or Reduce Activity Not a Defense.** [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.

- D. Duty to Mitigate.** [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 or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

- E. Proper Operation and Maintenance.** [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. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by an operator only when the operation is necessary to achieve compliance with the conditions of this permit.

- F. Permit Actions.** [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. The filing of a request by the operator for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

- G. Property Rights.** [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 personal rights, nor any infringement of federal, state, Indian tribe, or local laws or regulations.
- H. Duty to Provide Information.** [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.
- I. Inspection and Entry.** [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:
1. Enter upon the operator's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  2. Have access to and copy, at reasonable times, any records that must be kept under the terms of the permit;
  3. Inspect at reasonable times any facilities, equipment (including monitoring equipment or control equipment), practices or operations regulated or required under this permit; and
  4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by A.R.S. Title 49, Chapter 2, Article 3.1, and A.A.C. Title 18, Chapter 9, Articles 9 and 10, any substances or parameters at any location.
- J. Monitoring and Records.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(j)]
1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
  2. The operator shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, 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 3 years from the date of the sample, measurement, report or application, except for records of monitoring information required by this permit related to the operator's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Director at any time.
  3. Records of monitoring information shall include:
    - a) The date, exact place and time of sampling or measurements;
    - b) The individual(s) who performed the sampling or measurements;

- c) The date(s) the analyses were performed;
  - d) The individual(s) who performed the analyses;
  - e) The analytical techniques or methods used; and
  - f) The results of such analyses.
4. Monitoring must be conducted according to test procedures approved under 9 A.A.C. Chapter 14, Article 6 as incorporated by reference in R18-9-A905(B); or in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless specific test procedures have been otherwise specified in this permit.
  5. Any person 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.

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

1. NOIs. All NOIs must be signed and certified as follows:
  - a. For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means:
    - i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - ii. 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.
  - b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
  - c. 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 agency is the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA.).
2. Reports and Other Information: All NOTs, SWPPPs, reports, certifications, or information required by this general permit and other information requested by the

Department or authorized representative of the Department shall be signed by a person described in Part VI.K.1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described in Part VII.K.1;
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the operator. (A "duly authorized representative" may be either a named individual or any individual occupying a named position.); and
  - c. The signed and dated written authorization is included in the SWPPP and submitted to the Department upon request.
3. Changes to Authorization. If the information on the NOI filed for general permit coverage is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new NOI must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a 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 person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

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

1. Planned changes. The operator shall give notice to the Director as soon as possible of any planned physical alterations of additions to the permitted facility. Notice is required only when:
  - a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b) (incorporated by reference at R18-9-A905(A)(1)(e)); or
  - b. 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 R18-9-A905(A)(3)(b)).
  - c. The alteration or addition results in a significant change in the operator's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit including notification of additional use or disposal sites not reported during

the permit application process or not reported pursuant to an approved land application plan.

2. Anticipated noncompliance. The operator shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
3. Transfers. (R18-9-B905) This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the operator and incorporate such other requirements as may be necessary under Arizona Revised Statutes and the Clean Water Act.
4. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
  - a. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
  - b. If the operator monitors any pollutant more frequently than required by the permit, using test procedures approved under 9 A.A.C. Chapter 14, Article 6 or in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, as specified in the permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR, or sludge reporting form specified by the Director.
  - c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
5. Twenty-four hour reporting.
  - a. The operator shall report to ADEQ any noncompliance 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  
1110 W. Washington, 5th floor (5515B-1)  
Phoenix, AZ 85007  
Office: 602-771-4466; Fax 602-771-4505
  - b. A written submission shall also be provided to the office identified above within five 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.
  - c. The following shall be included as information which must be reported within 24 hours under this paragraph.
    - i. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(g) which is incorporated by reference at R18-9-A905(A)(3)(a))

- ii, Any upset which exceeds any effluent limitation in the permit.
  - iii. 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 R18-9-A905(A)(3)(d))
6. Other noncompliance. The operator shall report all instances of noncompliance not otherwise required to be reported under this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (5) of this section.
  7. Other information. When the operator becomes aware that he or she failed to submit any relevant facts in the NOI or in any other report to the Department, the operator shall promptly submit the facts or information to the Water Permits Section of ADEQ.

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

1. Definitions.
  - a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
  - b. "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.
2. Bypass not exceeding limitations. The operator may allow any bypass to occur which 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 provision of paragraphs (3) and (4) of this section.
3. Notice.
  - a. Anticipated bypass. If the operator knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of bypass.
  - b. Unanticipated bypass. The operator shall submit notice of an unanticipated bypass as required in paragraph (f)(2) of section 13 (24-hour notice).
4. Prohibition of bypass. Bypass is prohibited, and the Director may take enforcement action against an operator for bypass, unless:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. 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 down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

- c. The operator submitted notices as required under paragraph (3) of this section.

The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above.

- N. Upset.** [A.R.S. §§ 49-255(8) and 255.01(E), R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(n)]
1. **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 preventative maintenance, or careless or improper operation.
  2. **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 paragraph (3) of this section 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.
  3. **Conditions necessary for a demonstration of upset.** A operator who wishes to establish the affirmative defenses of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - a. An upset occurred and that operator can identify the cause(s) of the upset;
    - b. The permitted facility was at the time being properly operated; and
    - c. The operator submitted notice of the upset as required in paragraph (13)(f)(2) (24-hour notice).
    - d. The operator has taken appropriate measure including all reasonable steps to minimize or prevent any discharge or sewage sludge use or disposal that is in violation of the permit and that has a reasonable likelihood of adversely affecting human health or the environment per A.R.S. § 49-255.01(E)(1)(d)
  4. **Burden of proof.** In any enforcement proceeding the operator seeking to establish the occurrence of an upset has the burden of proof.
- O. Reopener Clause.** [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, that may be promulgated in the course of the current permit cycle.
- P. 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 "take" 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 "take" are available from the U.S. Fish and Wildlife Service at [www.fws.gov](http://www.fws.gov).
- Q. State or Tribal Law.** [Pursuant to 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.

**R. 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.

**S. Requiring Coverage Under an Individual Permit or an Alternative General Permit.**

1. The Director may require a person authorized by this permit to apply for and/or obtain either an individual AZPDES permit or an alternative AZPDES general permit. Any interested person 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 AZPDES permit in any of the following cases:
  - a. A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
  - b. Effluent limitation guidelines are promulgated for point sources covered by the general permit;
  - c. An Arizona Water Quality Management Plan containing requirements applicable to the point sources is approved;
  - d. 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;
  - e. If the Director determines that the discharge is a significant contributor of pollutants. When making this determination, the Director shall consider:
    - i. The location of the discharge with respect to waters of the United States,
    - ii. The size of the discharge,
    - iii. The quantity and nature of the pollutants discharged to waters of the U.S., and
    - iv. Any other relevant factor.
2. If an individual permit is required, the Director shall notify the discharger in writing of the decision. The notice shall include:
  - a. A brief statement of the reasons for the decision;
  - b. An application form;
  - c. A statement setting a deadline to file the application;
  - d. A statement that on the effective date of issuance or denial of the individual permit, coverage under the general permit will automatically terminate;



- e. The applicant'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 applicant has to file a protest challenging the individual permit requirement, and the name and telephone number of the Department contact person who can answer questions regarding the appeals process; and
  - f. The applicant's right to request an informal settlement conference under A.R.S. §§ 41-1092.03(A) and 41-1092.06.
3. 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.
  4. If the operator fails to submit the individual permit application within the time period established in Part VII.R.3, the applicability of the general permit to the operator is automatically terminated at the end of the day specified by the Director for application submittal.
  5. Coverage under the general permit shall continue until an individual permit is issued or denied unless the general permit coverage is terminated under Part VII.R.4.

**T. Request For an Individual Permit.**

1. An owner or operator authorized by a general permit may request an exclusion from coverage of a general permit by applying for an individual permit.
  - a. The owner or 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.
  - b. The Director shall grant the request if the reasons cited by the owner or operator are adequate to support the request.
2. If an individual permit is issued to an owner or 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.

**PART VIII. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS**

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

- A. Civil Penalties.** A.R.S. § 49-262(C) provides that any person 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 a person 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, Articles 9 and 10 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.

## PART IX. DEFINITIONS

“Arid areas”, for purposes of this permit, means the parts of the state that receive an annual rainfall of less than 20 inches.

“Best management practices” means those methods, measures or practices to prevent or reduce discharges and includes structural and nonstructural controls and operation and maintenance procedures. Best management practices may be applied before, during and after discharges to reduce or eliminate the introduction of pollutants into receiving waters.

“Control measure” as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

“Commencement of construction activities” means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction-related activities.

CWA” means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

“Department” means the Arizona Department of Environmental Quality.

“Discharge” means any addition of any pollutant to waters of the United States from any point source. A.R.S. § 49-255(2)

“Discharge of stormwater associated with construction activity” as used in this permit, refers to a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

“Drought” means for purposes of this permit, weather conditions considered ‘severely’ or ‘extremely’ dry (i.e., has a value of -1.50 or less) as evaluated by the Standardized Precipitation Index (SPI) which compares current cumulative precipitation to average conditions.

“Eligible” means authorization to discharge stormwater under this general permit.

“Facility” or “activity” means, for purposes of this permit, any NPDES or AZPDES “point source” or any other facility or activity (including land or appurtenances) subject to regulation under the NPDES or AZPDES program.

“Final stabilization” means that either:

1. All soil disturbing activities at the site have been completed and either of the two following criteria are met:
  - a. A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
  - b. Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
2. When background native vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, 70 percent of 50 percent ( $.70 \times .50 = .35$ ) would require 35% total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.

3. For individual lots in residential construction final stabilization means that EITHER:
  - a. The homebuilder has completed final stabilization as specified above, or
  - b. The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization, or
  - c. For construction projects 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 United States,” and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria above.

“Large construction activity” is defined at 40 CFR 122.26(b)(14)(x) and includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres.

“Large and medium municipal separate storm sewer system” means all municipal separate storm sewers that are either:

1. Located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR 122); or
2. Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR 122); or
3. Owned or operated by a municipality other than those described in paragraphs 1 and 2 of this definition and that are designated by the Department as part of the large or medium municipal separate storm sewer system.

“MS4” means municipal separate storm sewer system. (See definitions for “large” and “medium municipal separate storm sewer systems” and “regulated small municipal separate sewer system.”)

“Navigable waters” means Waters of the United States.

“NOI” means Notice of Intent.

“NOT” means Notice of Termination.

“Operator” for the purpose of this permit and in the context of storm water associated with construction activity, means any person associated with a construction project that meets either of the following two criteria:

1. The person has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform operators of how the regulatory definitions of “owner or operator” and “facility or activity” are applied to discharges of stormwater associated with construction activity.

“Owner or operator” means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

“Person” means 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(26)

“Point source” means 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, or vessel or other floating craft from which pollutants are or may be discharged to navigable waters. Point source does not include return flows from irrigated agriculture. A.R.S. § 49-201(27)

“Pollutant” means 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 and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous or hazardous substances. A.R.S. § 49-201(28)

“Runoff coefficient” means the fraction of total rainfall that will appear at the conveyance as runoff.

“Received”, for the purposes of this permit, means in reference to NOIs or NOTs or Permit Waiver Certificate Forms:

1. The day the Form was faxed to the Department
2. The date of hand-delivery of the Form to the Department, or
3. The date the Department signs for certified mail containing the Form.

“Regulated small municipal separate sewer system” means all municipal separate storm sewers that are not already defined as medium or large. Regulated small MS4s are automatically designated if they are located in "urbanized areas" defined by the Bureau of the Census based on the last decennial census. Other small MS4s located outside urbanized areas may be designated on a case-by-case basis if the Department determines that the MS4s discharges cause or have a potential to cause an adverse impact on water quality.

“Seasonal Arid”, for purposes of this permit, means the normally dry months when rainfall events are atypical in arid (annual rainfall less than 20") parts of the state.

“Significant contributor of pollutants” means any discharge that causes or could cause or contribute to a violation of surface water quality standards.

“Small construction activity” is defined at 40 CFR 122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

“Stormwater” means stormwater runoff, snow melt runoff, and surface runoff and drainage.

“Stormwater Pollution Prevention Plan” or “SWPPP” means a plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants.

“Waters of the United States” means:

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any waters:
  - a. That are or could be used by interstate or foreign travelers for recreational or other purposes;
  - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - c. That are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters defined as waters of the United States under this definition;
5. Tributaries of waters identified in subsections (1) through (4);
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subsections (1) through (6).

“Wetland” means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

## **PART X. ACRONYMS**

AZPDES — Arizona Pollutant Discharge Elimination System

BMP — Best Management Practices

CGP — Construction General Permit

CFR — Code of Federal Regulations

CWA — Clean Water Act

MS4 — Municipal Separate Storm Sewer System

NOI — Notice of Intent

NOT — Notice of Termination

NPDES — National Pollutant Discharge Elimination System

SWPPP — Stormwater Pollution Prevention Plan

SWQS — Surface Water Quality Standards

TMDL — Total Maximum Daily Load

WQS — Water Quality Standards