Permit No. AZG2008-001

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 (AZPDES) program, in compliance with the provisions of the Arizona Revised Statutes, Title 49, Chapter 2, Article 3.1, the Arizona Administrative Code (A.C.C.), 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 and operators who meet the eligibility requirements of this permit, who submit a complete Notice of Intent (NOI) in accordance with Part II 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 these terms are defined in this permit.

This general permit becomes effective on February 29, 2008.

This general permit and the authorization to discharge expire at midnight, February 28, 2013.

Issued this 28th day of February 2008.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Joan Card, 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.[1]

B. Eligibility. This general permit authorizes stormwater discharges from construction activity as defined in Part X and stormwater discharges associated with support activities from temporary plants or operations set up to produce concrete, asphalt, or other materials for the permitted construction project. These discharges are eligible for permit coverage provided the operator complies with all the requirements of this general permit and submits a Notice of Intent (NOI) in accordance with Part II of this general permit.

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

Individual Permit Requirements. If an operator desires, or is required by ADEQ, to obtain an individual stormwater permit, the operator cannot use an NOI for this purpose. Instead, the operator shall contact the ADEQ for the proper application procedure.

C. Authorized Discharges.

1. Allowable Stormwater Discharges. An operator may discharge pollutants in:
   a. Stormwater runoff associated with construction activities provided the discharge is conducted in compliance with this permit;
   b. Discharges designated by ADEQ 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);
   c. Stormwater 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 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 for which the support activity is directly associated.
      iii. The support activity is not otherwise covered by a separate AZPDES permit; and
      iv. Appropriate best management practices (BMPs) for the discharges from the support activity areas are identified in the Stormwater Pollution Prevention Plan (SWPPP) and implemented.

2. Allowable Non-Stormwater Discharges.
   a. The operator shall reduce or eliminate discharge of non-stormwaters from construction sites to the extent practicable. The following are the only non-stormwater discharges allowed under this permit, provided appropriate BMPs are in place to assure compliance with (d) below:

[1]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 shall be acquired through the Environmental Protection Agency (EPA) Region IX or other appropriate permitting authority.

i. Discharges from emergency fire-fighting activities;
ii. Water used to control dust, provided reclaimed water or other wastewaters are not used;
iii. Routine external building wash down where detergents are not used;
iv. 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;
v. Uncontaminated air conditioning or compressor condensate;
vi. Uncontaminated groundwater or spring water;
vii. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
viii. Fire hydrant flushing, potable water line or well flushing where the receiving waters are ephemeral;
ix. Water used for compacting soil, provided reclaimed water or other wastewaters are not used;
x. Water used for drilling and coring such as for evaluation of foundation materials, where flows are not contaminated with additives; and
xi. Uncontaminated waters obtained from dewatering operations/foundations in preparation for and during excavation and construction.

Note: This permit does not prohibit the use of reuse/reclaimed or potable waters on-site for dust control or for landscape irrigation. However, such activities are to be managed in a way that they are not discharged off site or applied during rain events consistent with the reuse rules. Therefore, they are not permissible 'discharges.'

b. The operator shall identify on the NOI all non-stormwater discharges listed above that are expected to be associated with the project's construction activities.
c. The operator shall address in the SWPPP all non-stormwater discharges listed above that are expected to be associated with the project's construction activities as required in Part IV.E.
d. When an allowable non-stormwater discharge listed above is unavoidable, the operator shall specify BMPs in the SWPPP and implement practices to minimize the frequency and duration of flow, and the concentration of pollutants (including sediments) in such discharges.
e. All other non-stormwater discharges (not listed above) shall be eliminated or authorized under a separate AZPDES permit, as those discharges are not authorized under this permit.
f. The operator may not discharge any non-stormwaters, except for emergency fire-fighting activities required to preserve human health or property, to impaired or unique waters under this permit.

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 achieved final stabilization and a Notice of Termination (NOT) has been filed. Post-construction stormwater discharges from industrial sites may need to be covered by a separate AZPDES permit.

2. 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.2.

3. Discharges Covered by Another AZPDES Permit. This general permit does not authorize stormwater discharges associated with construction activity that are covered under an individual permit or are required to obtain coverage under an alternative general permit.

4. Discharges to Impaired Waters. An operator is not automatically eligible to discharge under this permit if any portion of the site is within ¼ mile of receiving waters listed as impaired under 303(d) of the Clean Water Act.
   a. To receive authorization, the operator shall submit the NOI and SWPPP to ADEQ. The SWPPP shall specifically identify BMPs that will minimize the discharge of pollutants from the site which would contribute to or aggravate the receiving water's impairment. The operator shall include in the SWPPP a monitoring plan that meets the requirements of Part V of this permit.
   b. If a discharge contains pollutants for which a Total Maximum Daily Load (TMDL) has been established, the SWPPP shall specifically identify BMPs necessary to ensure the discharges will be consistent with the provisions of the TMDL.
   c. If the operator receives a notification from ADEQ that the SWPPP is incomplete or otherwise found to be deficient, the operator shall revise it to address the Department's comments. Prior to authorization, ADEQ may require specific BMPs or monitoring be implemented or specific BMP design criteria be followed.
   d. Within 32 business days of receipt of the SWPPP and a complete and accurate NOI, ADEQ will notify the operator whether: 1) it is acceptable to proceed under this general permit; 2) the SWPPP requires 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.
   e. Where the existing water quality does not meet applicable water quality standards (i.e., Tier I Waters), further degradation is not allowed under this permit. If an operator's discharge causes or contributes to non-attainment of standards, more effective and/or additional BMPs shall be added. If after the implementation of additional and/or more effective BMPs the discharge continues to contribute to nonattainment, the operator shall cease all discharges under this permit and apply for coverage under an individual permit.

5. Discharges to Unique Waters. An operator is not automatically eligible to discharge under this permit if any portion of the site is within ¼ mile of receiving a water listed as unique (a.k.a. an Outstanding Arizona Water, or OWA) in A.A.C. R18-11-112.
   a. To receive authorization, the operator shall submit the NOI and SWPPP to ADEQ. The SWPPP shall specifically identify BMPs that ensure the discharges will minimize discharge of pollutants from the site and that no degradation of the receiving water will occur. The operator shall include a monitoring plan in the SWPPP that meets the requirements of Part V of this permit.
   b. Non-stormwater discharges (except for emergency firefighting activities required to preserve human health or property) are prohibited from discharging to unique waters.
   c. If the operator receives a notification from ADEQ that the SWPPP is incomplete or otherwise determined to be deficient, the operator shall revise it addressing the Department's comments. Prior to authorization, ADEQ may require that specific BMPs or monitoring be implemented or specific BMP

design criteria be followed.

d. Within 32 business days of receipt of the SWPPP and a complete and accurate NOI, ADEQ will notify the operator whether: 1) it is acceptable to proceed under the general permit; 2) the SWPPP requires 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.

6. Exempt Discharges. Persons performing the following activities are not required to seek coverage under this permit, unless specifically required under subsection (e) below:

a. Construction projects that disturb less than one acre, unless part of a larger common plan of development or sale;

b. Routine maintenance that disturbs less than five acres that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility or structure.

c. Construction activities associated with the oil and gas exploration, production, processing, or treatment operations or transmission facilities (e.g., drilling site preparation, crude oil pipelines, etc). This exemption does not include construction associated with distribution lines that deliver natural gas to homes, businesses, or between substations, etc., and operate at relatively low pressures, or those pipelines that transport refined petroleum product and chemicals from refineries and chemical plants.[2]

d. Construction activities covered under an Erosivity Waiver (Part I.E).

e. Additional Condition for Exemption. Persons that are not required to file for permit coverage under this section shall operate exempt construction sites in a manner that minimizes pollutants in the discharges, including effectively stabilizing the site after completion of construction. 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.

E. **Erosivity Waivers for Small Construction Activities.** A person performing construction activity which disturbs between one and five acres may be exempt from obtaining coverage under this permit based on a low potential for soil erosion for the duration of the project. However, if any discharge point from the construction site is within ¼ mile of animpaired or unique water, the site is not eligible for this waiver. This exemption is predicated on certain criteria being met and proper application procedures being followed:

1. Calculating Erosivity. Low potential for erosion is defined as a rainfall erosivity (R) factor of less than five as calculated using ADEQ's Smart NOI Web site.

The small construction project's rainfall erosivity factor calculation shall be less than five during the **entire** period of construction activity. The period of construction activity begins at initial earth disturbance (commencement of construction activities) and ends with final site stabilization.

The applicant shall certify to ADEQ that construction activity will occur only when the rainfall erosivity factor is less than five.

Note: Construction activities that disturb five acres or greater, or less than five acres but

2 On June 12, 2006, USEPA published a rule that exempts construction activities at oil and gas sites from the requirement to obtain a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges except in very limited instances. These amendments are consistent with the Energy Policy Act of 2005 signed by the President of the United States on August 8, 2005. This action also encourages voluntary application of best management practices (BMPs) for construction activities associated with oil and gas field activities and operations to minimize erosion and control sediment to protect surface water quality. The final rule became effective June 12, 2006.

are part of a common plan of development or sale, are not eligible for this waiver.

2. Permit Waiver Certification. The operator shall submit an AZPDES Permit Waiver Certification Form using the Smart NOI Web site to ADEQ before commencing construction activities.

   An operator of a construction activity that is eligible for a waiver based on low potential for erosion shall provide the following information on the Permit Waiver Certification Form:
   a. The name, address, and telephone number of the construction site operator(s);
   b. The name (or other identifier), address, county, and parcel or lot number as recorded by the county, of the construction project or site;
   c. An accurate (within 15 seconds) latitude and longitude (in degrees/minutes/seconds format) of the construction project or site at the point of discharge nearest to the receiving water;
   d. The project start and completion (final stabilization) dates;
   e. The total project acreage and the acreage to be disturbed by the operator submitting the NOI, to the nearest 1/2 acre;
   f. If there is potential for discharge to a municipal separate storm sewer system (including municipal streets and other improvements that can convey stormwater), the name of the municipal operator of the storm sewer;
   g. Verification that the rainfall erosivity factor calculation that applies to the active construction phase at the project site is less than five calculated using ADEQ's Smart NOI Web site; and
   h. The certification statement, signed by a qualified signatory as defined in Part VIII.J.

3. Deadline for Notification. Operator(s) of a project which qualifies for the Permit Waiver shall ensure that ADEQ receives a signed Permit Waiver Certification Form at least two business days prior to the commencement of construction activities. In the absence of a Permit Waiver Certification submittal, ADEQ will assume that the operator was required to apply for coverage under the construction general permit.

4. Projects Which Extend Past Certified Period. If the small construction project continues beyond the calculated "end date" as shown on the Permit Waiver Certification, the operator is in violation of this permit. If this occurs, the operator shall prepare a SWPPP and submit an NOI as required under Parts II and III before the end of the certified waiver period.

PART II. AUTHORIZATION UNDER THIS GENERAL PERMIT

Important: The operator shall read and understand all the conditions and requirements of this permit before submitting any of the forms described in Part II.

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

1. Meet the eligibility requirements under Part I.B; and

2. Develop and implement a SWPPP that meets Part III of this permit and that covers either the entire site or all portions of the site for which the person is an operator.
   a. The SWPPP shall be prepared prior to submission of the NOI and shall be implemented prior to the start of construction.

b. The SWPPP is not required to be submitted to ADEQ (unless the project will discharge to an impaired or unique water as described in Part I.D.5 and I.D.6) but shall be retained and made available in accordance with Part III.G.

B. Submitting a NOI.

1. Application Required.

a. The operator shall submit separate, accurate and complete NOIs to ADEQ for each project that disturbs one or more acres of land. The operator of a common plan of development or sale that will ultimately disturb one or more acres must submit completed NOIs to the ADEQ.

b. Submission of the NOI demonstrates the operator's intent to be covered by this permit; it is not a determination by ADEQ that the operator has met the eligibility requirements for the permit. Discharges are not authorized if ADEQ notifies the operator that further evaluation is necessary, or the discharges are not eligible for coverage under this permit.

c. Whenever the operator changes or another is added during the construction project, the new operator shall also submit an NOI to be authorized under this permit before taking over operational control or commencing construction activities at the site.

2. NOI Requirements. Construction site owners or operators seeking authorization for stormwater discharges under this general permit shall submit (by photocopy/fax/email/electronically) a complete and accurate AZPDES NOI form to ADEQ. The NOI form contains, at a minimum, the following information:

a. The name, address, and telephone number of the construction site operator;
b. Whether the operator is a federal, state, tribal, private, or other public entity;
c. The type of project (including construction projects conducted by contractors on behalf of ADOT and projects requiring ADOT permits) shall be specifically identified on the NOI;
d. Whether the project is part of a greater plan of development;
e. Estimates of the total project acreage and the acreage to be disturbed by the operator submitting the NOI, to the nearest 1/2 acre;
f. The printed name (or other identifier), address, county, lot number or parcel or lot number as recorded by the county, of the construction project or site;
g. An accurate (within 15 seconds) latitude and longitude (in degrees/minutes/seconds format) of the construction project or site at the point nearest the closest receiving water. For sites which are part of a larger common plan of development, the operator shall provide the latitude and longitude of the discharge point for the portion of the site covered by that NOI;
h. Whether any part of the site is located on Indian Country;
i. Confirmation that a SWPPP meeting the requirements in Part III of this permit has been developed and will be implemented prior to commencement of construction activities. If the NOI is a late application, the operator shall certify that a SWPPP has been developed and implemented prior to submittal of the NOI;
j. The onsite location where the SWPPP may be viewed and the name and telephone number of a contact person;
k. Unless all discharges from the site go to a municipal separate storm sewer system (MS4), provide the name(s) of the closest receiving water(s) which may include unnamed washes;
l. The name of the MS4 into which there is a potential to discharge, if applicable;
m. The project's estimated start and completion dates;

n. Any non-stormwater discharges expected to be associated with construction activities at the site;

o. Whether the project has or will need any other environmental permits or approvals, including, but not limited to, subdivision approvals, air quality 404 permits (etc.), and the permit number(s), if applicable;

p. Whether any portion is within 1/4 mile of an impaired or unique water; and

q The following certification statement, signed and dated by a qualified signatory, as defined in Part VIII.J, 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, as applicable, 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 directly 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 as an owner or operator, I certify that I have reviewed and intend to comply with all terms and conditions stipulated in 2008 Construction General Permit No. AZG2008-001 issued by the Director."

3. Where to Submit. The applicant shall submit the NOI electronically via the Smart NOI Web site or submit a paper copy to:

Arizona Department of Environmental Quality
Surface Water Section/Permits Unit/Stormwater NOIs (5415A-1)
1110 W. Washington Street
Phoenix, Arizona 85007
or fax to (602) 771-4528

Note: The operator shall receive an Authorization Certificate (by mail, faxed, or electronically via the Smart NOI system for electronic submittals with e-signatures) assigning a permit authorization number and stating the approval date. This Authorization Certificate is ***not*** *the permit - it merely acknowledges that the NOI has been received by the Department and the operator is authorized to discharge subject to the terms and conditions of this general permit.*

4. Notification to Municipal Separate Storm Sewer Systems/Local Authorities. If the construction site is located within municipal boundary or within Pima or Maricopa Counties for new or revised NOIs, the operator shall send a copy of the certificate authorizing permit coverage to the local authority(s).

5. Effective Date of Permit Coverage.

a. Incomplete NOI Submitted.

i. If ADEQ notifies the operator that an NOI is incomplete or incorrect, the operator shall resubmit an amended NOI if the operator still intends to obtain coverage under this permit; and

ii. 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.

b. Discharges to Impaired or Unique Waters. Applicants proposing a site that has the potential for discharge to reach impaired or unique waters are not

authorized under this permit for a minimum of 32 business days following receipt of the signed 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 I.D.5 and I.D.6 of this permit. If notification is not received in the 32 business day time period, the operator must verify with the Department that the Surface Water Section received the NOI and SWPPP prior to commencement of construction activities.

c. NOIs Requiring Additional Evaluation. ADEQ may notify an operator that authorization to discharge shall not occur for up to 32 business days in the event that review of the NOI identifies information requiring further evaluation. This notification may be made either in writing, email, by fax or phone contact. Operators receiving notice of a delay in coverage may discharge 32 business days after the date the signed NOI is received unless further notice is received from ADEQ during this time period. Such further notice may confirm authorization to discharge or deny permit coverage and require an application for an individual permit.

d. Routine Coverage. Except as provided in 5.a. through.5.c. above, an eligible operator is authorized to discharge stormwater from a construction project 7 calendar days after a signed NOI is received by ADEQ's Surface Water Section or when an authorization certificate is issued, whichever is earlier. However, in order to rely on the 7 calendar day "default" provision, the operator must submit the NOI in a manner that documents the date of ADEQ's receipt (i.e., certified mail, hand delivery, etc.).

Alternatively, applicants that submit a SMART NOI using the electronic signature feature will typically obtain immediate authorization unless the site is located near unique or impaired waters or in areas designated for review due to potential endangered species concerns.

e. Existing Construction Projects. Parts II.B.5.(b),(c), and (d) do not apply to operators of on-going construction projects that were authorized to discharge under Arizona's 2003 Construction General Permit (AZG2003-001), and that comply with the conditions of Part II.B.6.b of this permit.

f. Change 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 shall receive an authorization certificate before assuming operational control or commencing work on-site.

6. Deadlines for Notification.

a. New Projects. An operator of a construction project shall receive an NOI authorization or waiver certification prior to taking over operational control or the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).

b. Ongoing Construction Projects.
Operators of construction projects ongoing as of the effective date of this permit that received authorization to discharge for these projects under the expired Construction General Permit (AZG2003-001) shall:

i) For the first 120 days from the effective date of this permit, continue to comply with the terms and conditions of the expired Construction General Permit (AZG2003-001);

ii) Update the SWPPP as necessary to comply with the requirements

of Part III of this permit within 90 days of the effective date of this permit (and before submitting a new NOI as described in Part II.B.6.b.iii below); **and**

iii) Submit a complete and accurate NOI according to Part II within 120 days of the effective date of this permit. The previously issued Authorization Number (AZCON-XXXXX) must be included on the NOI for identification purposes.

Note: this is not considered a revision to the original NOI.

Note: If the operator is eligible to submit a Notice of Termination (NOT) (e.g., construction is finished and final stabilization has been achieved) before the 120th day, a new NOI is not required to be submitted, provided a NOT is submitted before the 120th day of the effective date of this permit.

7. Late Applications. The operator is only permitted for discharges that occur after a complete and accurate NOI is received by ADEQ and authorization is granted. ADEQ reserves the right to take enforcement action for any un-permitted discharges or permit noncompliance that occur between the time construction commenced and either permit authorization is granted, denied, or a complete and accurate Permit Waiver Certification for is submitted and the wavier is approved.

C. Submitting a Notice of Termination.

1. Notice Required. The operator shall submit a complete and accurate Notice of Termination (NOT) to ADEQ 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, unless otherwise required in the following parts. Final stabilization means that one of the following conditions (i, ii, or iii) is met:

i. All soil disturbing activities at the site have been completed; all construction materials, waste, and temporary erosion and sediment control BMPs (including any sediment that was being retained by the temporary erosion and sediment control BMPs) have been removed and properly disposed; and either A or B below is 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 is in place on all unpaved areas and areas not covered by permanent structures.

When preconstruction native background vegetation covered less than 100% of the ground (e.g., arid areas, beaches), the 70% coverage criteria is adjusted as follows: if the native vegetation covered 50% of the ground, 70% of 50% (.70 X .50 = .35) or 35% cover density would be required, or

B) Equivalent permanent stabilization measures (such as the use of riprap, decomposed granite, gabions, or geotextiles) have been employed.

ii. For individual lots in residential construction, final stabilization means that the homebuilder:

A) Has completed final stabilization as specified in Part II C.1.a.i. above, or

B) Has established temporary stabilization, including

perimeter controls, for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the need for, and benefits of, final stabilization.

iii. 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 U.S., and areas that are not being returned to their preconstruction agricultural use shall meet the final stabilization criteria above.

b. Another operator who has a valid authorization number under this general permit or an appropriate AZPDES permit has assumed control over all areas of the site that have not been finally stabilized;

c. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner (or a homeowner's association) in accordance with Part II.C.1.a.ii above;

d. The planned construction activity identified on the original NOI was never initiated (i.e, no grading or earthwork was ever started) and plans for construction have been permanently abandoned or indefinitely postponed.

e. The operator has obtained coverage for the site area under another AZPDES permit.

Note: NOTs can only be filed for those sites which obtained timely permit authorization by submitting a complete and accurate NOI. Sites which did not receive permit authorization have no permit coverage to terminate.

2. NOT Requirements. The operator shall submit to ADEQ a complete and accurate AZPDES NOT form (photocopy/fax/email/ electronic). The NOT form at a minimum shall include:

a. The AZPDES authorization number for the stormwater discharge;

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. An accurate latitude and longitude (in degrees/minutes/seconds format) of the construction project or site at the point nearest to the receiving water; and

f. The following certification, signed by a qualified signatory as defined in Part VIII.K.2 of this permit, the printed name and title of the person who signs, and including the date of signature. For construction projects with more than one operator, the operator shall 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 me from liability for any violations of this permit or the Clean Water Act."

3. Where to Submit. The operator shall submit the complete and accurate NOT form electronically via the Smart NOI Web site or submit a paper copy to:

   Arizona Department of Environmental Quality
   Surface Water Section / Stormwater & General Permits
   1110 W. Washington Street, 5415A-1
   Phoenix, Arizona 85007
   or fax to (602) 771-4528

   Note: The permittee shall receive an acknowledgement letter upon ADEQ's receipt of the permittee's completed NOT form.

4. Notification to Municipal Separate Storm Sewer Systems/Local Authorities. If the construction site was located within any municipal boundary or in Pima or Maricopa Counties, the operator shall send a copy of the NOT acknowledgement letter to the local authority.

5. Effective Date of Permit Termination. Authorization to discharge terminates under this permit at midnight on the date the NOT is received by the Department.

PART III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) PREPARATION

A. General Information.

1. The operator shall prepare a SWPPP before submitting the NOI for permit coverage and prior to conducting any construction activity

   (For projects that did not prepare a SWPPP and file an NOI before commencement of construction activity, see late filing in Part II.B.2.i)

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

2. The SWPPP shall be prepared and implemented in accordance with good engineering practices and shall:
   a. Identify all potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the construction site;
   b. Identify, describe, and ensure implementation of BMPs that will be used to reduce pollutants in stormwater discharges from the construction site;
   c. Assure compliance with the terms and conditions of this permit; and
   d. Identify the responsible party for on-site SWPPP implementation.

3. All operator(s) shall sign and certify the SWPPP they will implement in accordance with Part VIII.J.

4. The operator shall implement the SWPPP from initial commencement of construction activity until final stabilization is complete and an NOT is filed, or an NOT transferring the site to a new operator is received by ADEQ.

5. SWPPPs that do not meet all provisions of this permit are considered incomplete. Operating under an incomplete or inadequate SWPPP is a violation of the permit.

B. Types of Operators

1. Definition of Operator. Operator means any person associated with a construction project that meets one or both of the following two criteria:
   a. The person has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
   b. 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).

2. Operator Requirements. Either Part III.B.2.a or B.2.b, or both, will apply depending on the type of operational control a person exerts over the site. Part III.B.2.c applies to all operators who have control over only a portion of a construction site.

   a. Operators with Operational Control over Construction Plans and Specifications shall ensure that:
      i. The SWPPP indicates the areas of the project where the operator has operational control over project specifications, including the ability to make modifications in specifications;
      ii. All other operators implementing portions of the SWPPP impacted by any changes made to the SWPPP are notified of such modifications in a timely manner; and
      iii. 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.

   b. Operators with Control over Day-to-Day Activities shall ensure that:
      i. The SWPPP identifies the parties responsible for implementation of BMPs identified in the SWPPP;
      ii. The SWPPP indicates areas of the project where each operator has operational control over day-to-day activities; and
      iii. The SWPPP indicates the name(s) of the party(ies) with operational control over project specifications (including the ability to make modifications in specifications).

   c. 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 required by the SWPPP). Operators shall ensure either directly or through coordination with other operators, that activities do not render another party's BMP(s) ineffective.

C. Site and Activity Description

1. Identification of Operators. The SWPPP shall identify all operators, including contact information, for the project site and the areas over which each operator has control.

2. Site Description. The SWPPP shall 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, infrastructure installation, etc.);
c. The total area of the site, and an estimate of the total area of the site expected to be disturbed by construction activities including off-site supporting activities, borrow and fill areas, staging and equipment storage areas;
d. The percentage of the site that is impervious (e.g., paved, roofed, etc.) before and after construction;
e. A description of the site's soils including potential for erosion; and
f. A general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) with enough detail to identify:
   i. The location of the construction site and one mile radius; and
   ii. The waters of the U.S. including tributaries within one mile radius of the site.

3. Site Map. The SWPPP shall contain legible site map(s) completed to scale, showing the entire site that identifies:
   a. Drainage divides and direction of stormwater flow for all drainage areas located within the project limits (i.e., use arrows to show which way stormwater will flow);
   b. Areas of soil disturbance and areas that will not be disturbed;
   c. Locations of temporary and permanent BMPs identified in the SWPPP;
   d. Locations where stabilization BMPs are expected to occur;
   e. Locations of on-site material, waste, borrow areas, or equipment storage areas, and other supporting activities (per Part I.C.1.c);
   f. Locations of all surface water bodies (including dry/ephemeral washes and wetlands). If none exist on site, the SWPPP shall indicate so;
   g. Locations where stormwater discharges to a surface water (including wetlands, ephemeral waters and dry washes) and to a municipal separate storm sewer system (MS4) (i.e., use arrows to indicate discharge location). Where surface waters and/or MS4s receiving stormwater will not fit on the plan sheet, they shall be identified with an arrow indicating the direction and distance to the surface water and/or MS4;
   h. Locations and registration numbers of all on-site dry wells and dry wells on adjacent properties that have the potential to receive stormwater from the site (If none exist the SWPPP shall indicate so);
   i. Areas where final stabilization has been accomplished and no further construction permit requirements apply (if none, the SWPPP shall indicate so); and
   j. Location of trees and boundaries of environmentally sensitive areas and buffer zones to be preserved shall be identified.

   Note: If a marked-up site map is too full to be easily read the operator should date and fold it, put it in the SWPPP for documentation, and start a new one.

4. Receiving Waters. The SWPPP shall identify the nearest receiving water(s), including ephemeral and intermittent streams, dry washes, and arroyos. If applicable, the SWPPP shall 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. Best Management Practices.
   a. The SWPPP shall describe all BMPs as required in Part IV and that will be implemented as part of the construction project to control pollutants in stormwater discharges.

b. For each major activity identified at Part III.C.2.b in the project sequence of activities description, the SWPPP shall clearly describe:
   i. Appropriate BMPs;
   ii. The general sequence during the construction process or schedule that the BMPs will be implemented; and
   iii. Which operator is responsible for the implementation of the BMPs.

c. Standard detail drawings and/or specifications for the structural BMPs, including design or installation details, used on the project shall be included in the SWPPP.

6. Summary of Potential Pollutant Sources. The SWPPP shall identify the location and describe any pollutant sources from areas other than construction (i.e., support activities including stormwater discharges from dedicated asphalt or concrete plants and any other non-construction pollutant sources such as fueling and maintenance operations, materials stored on-site, waste piles, equipment staging yards, etc.). The operator shall implement BMPs in these areas to minimize pollutant discharges and shall detail these BMPs in the SWPPP.

   If any discharge point from the construction site is within ¼ mile of an impaired water, the SWPPP shall identify sources of the pollutants of concern listed on the 303(d) list that may potentially be discharged from the construction site and describe additional or enhanced BMPs to minimize discharges of these pollutants.

D. Permit Related Records

The operator shall include in the SWPPP:

1. A copy of this permit;
2. A copy of the NOI application that was submitted to ADEQ;
3. A copy of the authorization certificate received from ADEQ;
4. Identification of any municipality that received a copy of the authorization certificate; and
5. Copies of any other agreements (such as 404 permits, local grading permits, etc) with any state, local, or federal agencies that would affect the provisions or implementation of the SWPPP, if applicable.

E. Maintaining an Updated SWPPP

The SWPPP shall be revised as necessary during permit coverage to reflect current conditions and to maintain accuracy if there are changes in design or construction of the project, or if the SWPPP is found to be deficient. The operator shall amend the SWPPP within 15 business days whenever:

1. There is a change in design, construction, operation, or maintenance at the construction site that may have a significant effect on the discharge of pollutants to the waters of the U.S. 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, municipal separate storm sewer system, 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.

Changes in the revised SWPPP shall be implemented before the next rain event whenever practicable. If this is impracticable, then reason(s) shall be documented in the SWPPP and revisions implemented as soon as possible.

F. **Deficiencies in the SWPPP**

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

ADEQ also is not precluded from taking enforcement action for any period of time the operator was operating under a SWPPP that did not meet the minimum requirements of this permit.

G. Posting, SWPPP Review and Making SWPPPs Available

1. The operator must post the authorization number(s) in a conspicuous location near the main entrance of the construction site and retain a copy of the authorization certificate in the SWPPP. For linear projects, the authorization number(s) must be posted near the entrance where most of the construction activity is occurring.

2. A copy of the site specific SWPPP shall be made available from commencement of construction activities to the date of final stabilization and NOT submittal as follows:

   a) The SWPPP shall be on-site whenever construction or support activities are actively underway, and

   b) The SWPPP shall be locally available to the Department or any other federal, state or local authority having jurisdiction over the project at any reasonable time (generally Monday through Friday, 8:00 am to 5:00 pm).

3. The SWPPP shall be made available to the Department or any other federal, state, tribal, or local authority having jurisdiction over stormwater discharges from the project at the time of an on-site inspection.

4. Any person, including, tribal authority, state, federal or local agency may view the SWPPP or make a written request to ADEQ for access to a copy of the SWPPP. ADEQ may request, and within 7 calendar days the operator shall provide, a copy for ADEQ to make available for public review.

PART IV. BMP REQUIREMENTS FOR CONSTRUCTION ACTIVITIES

A. General Requirements. The operator shall:

1. Identify and describe all BMPs to be implemented at the construction site in the SWPPP.

2. Properly select, install, and maintain all structural BMPs per the manufacturers' specifications and good engineering practices so BMPs remain functional and effective.

3. Design and implement a combination of erosion and sediment control BMPs to keep sediment in place and to capture sediment to the extent practicable before it leaves the site.

   Note: Soil crusting from water application, a practice commonly used for dust control is not an effective or acceptable erosion control/stabilization BMP for compliance with this permit.

4. Install sediment control/perimeter control BMPs before upgradient land is disturbed. Temporary BMPs shall not be removed until final stabilization is achieved except when temporary control structures must be moved in order to allow construction activities to continue. In this instance, the operator shall implement equivalent measures to ensure the same level of protection in minimizing potential pollutant discharges.

5. Phase or sequence construction activities, as practicable, to minimize the area of disturbance at any one time.

B. Erosion Control/Stabilization BMPs

1. Description. The operator shall implement interim and permanent erosion control and stabilization BMPs on-site and shall comply with the following:

   a. Preserving Natural Vegetation. Where practicable, existing vegetationshould be preserved. If natural vegetation can be preserved, the operator shall clearly mark vegetation before clearing activities begin. Locations of trees and boundaries of environmentally sensitive areas and buffer zones to be preserved shall be identified on the SWPPP site map;

   b. Seeding/Vegetation. If revegetation plans include seeding, the SWPPP shall include seed mix and application specifications that will be used for vegetative stabilization. If the operator uses fertilizers or tackifiers on-site to establish vegetation, BMPs shall be established to minimize the presence of these chemicals in the discharge.

   c. Culvert Stabilization. If culverts are present on the site, the SWPPP shall include measures to sufficiently minimize the threat of erosion at culvert locations to prevent the formation of rills and gullies during construction; and

   d. Run-on Management. If off site areas direct flow onto the construction site, the SWPPP shall include plans to either divert run-on flows, or otherwise provide engineering controls and BMPs to account for off site contributions of stormwater and non-stormwater flow.

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

   a. Where stabilization by the 14th day is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable;
   b. When the site is using vegetative stabilization but is located in an arid area during dry or drought-type conditions, vegetative stabilization measures shall be initiated as soon as practicable, when growing conditions are best for planting or seeding;
   c. When the site is using vegetative stabilization and is located in an area of the state experiencing drought conditions (see definitions), vegetative stabilization measures shall be initiated as soon as practicable;
   d. Stabilization shall be initiated within 7 calendar days, for areas within 50 feet of an impaired or unique water.
   e. Where disturbed areas are awaiting vegetative stabilization for periods greater than 14 calendar days after the most recent disturbance, non-vegetative

methods of stabilization shall be employed. These methods shall be described in the SWPPP.

3. Records of Stabilization. The operator shall maintain the following records as part of the SWPPP:

   a. Dates when major grading activities occur;
   b. Dates when construction activities temporarily or permanently cease on any portion of the site; and
   c. Dates when stabilization measures are initiated and completed and reasons for delay, if applicable.

C. Sediment Control BMPs

The operator shall implement structural BMPs to divert flows from exposed soils, store flows, or otherwise limit run-off and the discharge of pollutants from exposed areas of the site to the degree attainable. Placement of structural BMPs within the floodplain shall be avoided to the extent practicable.

1. Perimeter Control. The operator shall use silt fences, vegetative buffer strips, sediment traps, or equivalent sediment control BMPs at all times for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin that will store either a calculated volume of runoff from a 2 year, 24 hour storm, or 3,600 cubic feet per acre drained, is provided.

2. Soil Stockpiles. The operator shall use silt fences or other effective sediment control BMPs around soil stockpiles except when stockpiles are being actively worked (i.e., controls must be in place evenings, weekends, and other down times). The operator shall not place stockpiles in washes or other surface waters, or in stormwater conveyances such as curb and gutter systems, or in streets leading to such conveyances.

3. Sediment Basins and Traps.
   a. Where attainable, the operator shall provide temporary (or permanent) sediment basins at sites with common drainage locations that serve an area with 10 or more acres disturbed at one time. The operator shall design and construct basins as follows:
      i. The basin shall provide storage for a calculated volume of runoff from a 2 year, 24 hour rain event from each disturbed acre drained; or
      ii. Where no calculation is performed, a sediment basin providing 3,600 cubic feet of storage per acre drained shall be provided.

   When computing the number of acres draining into a common location it is not necessary to include flows from offsite areas, if such flows are diverted around both the disturbed areas and the sediment basin. It is, however, necessary to include all sources of on-site flow that will reach the basin, including areas that are undisturbed and areas that have undergone final stabilization.

   In determining whether installing a sediment basin is attainable, the operator shall consider physical limitations at the site such as soils, slope, and available on-site area. If non-attainability is claimed, the operator shall explain in the SWPPP why a sediment basin is non-attainable. The operator shall also consider public safety, especially as it relates to children, as a design factor for sediment basin attainability and shall implement alternative

sediment control BMPs if site limitations preclude a safe design.

The SWPPP shall provide sizing and calculation requirements for sediment basin(s) and shall indicate whether the basin(s) will be temporary or permanent.

b. The operator shall use smaller sediment basins and/or sediment traps for linear projects and for drainage locations that serve 10 or more disturbed acres at one time if a sediment basin meeting the provision of Part IV C.3.a is not attainable.

c. The operator shall maintain sediment basin, ponds, and traps, and remove accumulated sediment when design capacity has been reduced by 50%. Sediment basin, ponds, and traps must be maintained until final stabilization of the site is obtained.

d. For linear projects and drainage locations serving less than 10 acres, smaller sediment basins and/or traps shall be used.

4. Discharge of Sediments During Dry Weather. The operator shall implement effective BMPs that ensure there is no discharge of sediments from construction activities to any water body including dry washes during dry weather.

Note: This is not intended to apply to blowing dust, or to track-out that is otherwise managed as required in this permit.

5. Velocity Dissipation Devices. The operator shall place velocity dissipation BMPs along the length of any outfall channel on-site, and at locations where discharges leave the construction site as necessary to provide a non-erosive flow velocity.

6. Storm Drain Inlet Protection. The operator shall at all times during construction provide effective sediment control BMPs at storm drain inlets that discharge, or could discharge, to waters of the U.S. or to a local MS4 until all sources with potential for discharging to the inlet are stabilized.

7. Construction Site Entrance and Egress. The operator shall implement effective BMPs to minimize tracking of sediments, debris and other pollutants from vehicles and equipment entering and leaving the site (e.g., stone pads, concrete or steel wash racks, or equivalent systems).

D. Non-Structural BMPs

1. Good Housekeeping BMPs. The operator shall implement good housekeeping procedures to prevent litter, construction debris, and construction chemicals exposed to stormwater from becoming a pollutant source for stormwater discharges. These procedures shall include storage practices to minimize exposure of the materials to stormwater, and spill prevention and response practices.

2. Fueling and Maintenance Areas. The operator shall implement BMPs to minimize discharges from construction equipment fueling operations and maintenance areas.

3. On-site and Offsite Material Storage. The operator shall identify and describe all material storage areas (including overburden and stockpiles of dirt, borrow areas, etc.) used for the permitted project in the SWPPP unless those areas are covered by another AZPDES permit.

4. Concrete Washout. Where possible, concrete suppliers should conduct washout

activities at their own plants or dispatch facilities.

E. Non-Stormwater Discharge BMPs

1. The operator shall not allow any non-stormwater discharges from the site unless they are specifically authorized in Part I.C.2.
2. The operator shall eliminate or reduce all non-stormwater discharges to the extent practicable. If discharges cannot be eliminated, the operator shall include the following information in the SWPPP for all non-stormwater discharge (except for flows from emergency fire fighting activities),
   i. Identification of each non-stormwater discharge expected to be associated with the project;
   ii. The location(s) where each discharge is likely to occur; and
   iii. Appropriate BMPs that the operator will use to minimize the discharge of pollutants.
3. The operator shall ensure all water from dewatering or basin draining activities is discharged in a manner that does not cause nuisance conditions, including erosion in receiving channels or on surrounding properties.
4. The operator shall retain superchlorinated wastewaters (i.e., containing chlorine above residual levels acceptable in drinking water systems) on-site until the chlorine dissipates, or shall otherwise effectively dechlorinate the water prior to discharge.

   Note. As with any non-stormwater, if acceptable to the local sanitary sewer authority, this wastewater may be discharged to the sanitary sewer. In this case, dechlorination is not required by this permit.

F. Post-Construction Stormwater Management

1. The SWPPP shall include a description of post-construction stormwater management BMPs that will be installed during the construction process to control pollutants in stormwater discharges after construction has been completed.
2. If 'temporary' sediment basins are to be used as/converted to retention or detention basins in the post-construction phase, the operator shall remove and properly dispose of all sediments accumulated in the basin during construction activities prior to filing an NOT.
3. Post-construction structural BMPs shall be placed on upland soils to the degree attainable.
4. New discharge connections or permanent stormwater outfalls to unique waters are prohibited under this permit

Note: The installation of these devices may also require a separate permit under section 404 of the Clean Water Act.

Note: This permit only authorizes and requires the operator to install and maintain stormwater management measures up to and including final stabilization of the site, and does not required continued maintenance after stormwater discharges associated with the construction activity have been eliminated form the site and a NOT has been filed. However, post-construction stormwater BMPs that discharge pollutants from point sources once construction is complete, may in themselves, need authorization under separate AZPDES permit.

G. Other BMPs

The SWPPP shall describe:

1. Measures to prevent the discharge of solid materials, including building materials, to waters of the US, except as authorized by a permit issued under section 404 of the Clean Water Act;
2. Specific locations of concrete and vehicle washout activities that will occur at the

construction site. The operator shall employ measures to contain and manage on-site vehicle and equipment washwater and concrete wash-out to prevent discharge (see Part IV.D.3) and consistent with applicable Aquifer Protection Program (APP) permits.

H. Inspections

The operator shall provide "qualified personnel" to perform inspections according to the selected inspection schedule identified in the SWPPP.

1. Inspection Schedule.

   a. Routine Inspection Schedule. The operator shall ensure inspections are performed at the site as indicated below to ensure BMPs are functional and that the SWPPP is being properly implemented.

      i. The site will be inspected a minimum of once every 7 calendar days, OR

      ii. The site will be inspected a minimum of once every 14 calendar days, and also within 24 hours of the end of each rain event of 0.5-inches or greater.

      *Note: The Department encourages adding inspections **before** and/or **during** predicted rain events and "spot" inspections to ensure BMPs will be effective in managing stormwater runoff and associated pollutants.*

   b. Reduced Inspection Schedule. The operator may reduce inspection If the entire site has been temporarily stabilized; or runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or frozen ground exists). In this case, the site shall be inspected at least once every 28 calendar days, and before an anticipated rain event and within 24 hours of the end of each rain event of 0.5 inches or greater in 24 hours.

   c. Inspection Schedule for Sites within ¼ mile of Impaired or Unique Waters. If any discharge point from the construction site is within ¼ mile of a unique or impaired water, the operator shall inspect the site at least once every 7 calendar days. In addition, the operator shall visually observe stormwater discharges at all discharge locations within one business day after each rain event of 0.5 inches or greater in 24 hours.

   Note: If an inspection day (except those required relative to a rainfall event) falls on a Saturday or holiday, the inspection may be conducted on the preceding workday. If the inspection day falls on a Sunday, the inspection may be conducted on the following Monday.

2. Inspector Qualifications. All Inspections shall be done by qualified personnel. "Qualified personnel" means a person (or personnel) knowledgeable in the principles and practice of erosion and sediment control BMPs, and who possesses the skills and abilities 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. The inspector(s) name, title and a description of his/her qualifications and a copy of his/her training certificate, if any, shall be included in the SWPPP before construction begins. Inspector information shall be updated whenever a new inspector is brought onto the project.

3. Scope of Inspections.

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

i. Good housekeeping BMPS;

ii. All erosion and sediment control BMPs identified in the SWPPP to ensure they are in place and functioning as intended;

iii. All areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation;

iv. Locations where vehicles and equipment enter or exit the site for evidence of tracking sediment, debris, and other pollutants onto and off the site;

v. Site conditions for evidence of, or the potential for, pollutants entering the municipal separate storm sewer;

vi. Accessible discharge locations or discharge points to ascertain whether erosion and sediment control BMPs are effective in preventing significant impacts to receiving waters; and

vii. Where discharge locations are inaccessible, nearby downstream locations to the extent that the inspections are practicable.

b. The inspector shall document all areas inspected, the presence and effectiveness of BMPs, and the conditions found at the time of inspection.

c. All nonfunctional and underperforming BMPs shall be repaired, replaced o supplemented with functional BMPs, as specified in Part IV.I.2.

4. Inspection Report. For each inspection, the operator shall complete an inspection report which provides information that is equivalent to the sample form provided in Appendix A. Within 24 hours of completing the inspection, the corresponding inspection report shall be placed with previous reports (in chronological order) and kept with the SWPPP. At a minimum, the report shall include:

a. The inspection date;

b. Name(s) and title(s) of qualified person(s) making the inspection;

c. Weather information for the period since the last inspection (or since commencement of construction activity for the first inspection) including:

i. Best estimate of the beginning of each rain event;

ii. Duration of each event;

iii. Time elapsed since last rain event; and

iv. Approximate amount of rainfall for each event (in inches).

d. Location(s) of discharges of sediment or other pollutants from the site;

e. For inspections occurring during or after a rain event, a description of stormwater that is discharging from the site (presence of suspended sediment, turbid water, discoloration, and/or oil sheen, as applicable), when present;

f. Location(s) and identification of BMPs that need to be maintained, failed to operate as designed, or proved inadequate;

g. Location(s) where additional BMPs are needed that did not exist at the time of inspection are needed;

h. Identification of all sources of non-stormwater discharges occurring at the site and associated BMPs inplace;

i. Identification of material storage areas and, evidence of or potential for, pollutant discharge from such areas;

j. Corrective actions required, including any changes to SWPPP necessary, and implementation dates (of corrective actions/maintenance, and SWPPP changes);

k. Identification of any non-compliance with the conditions of this permit, or where the inspector does not identify any incidents of non-compliance, the inspection report shall contain a certification that the construction project or site is being operated in compliance with the SWPPP and this permit; and

l. Certification statement and signature in accordance with Part VIII.J.

5. Revising the SWPPP. Based on the results of the inspection, the operator shall revise the SWPPP as needed to include additional or modified BMPs designed to correct problems identified. The operator shall complete revisions to the SWPPP within 15 business days following the inspection. The revised SWPPP shall be implemented as specified in Part III.E.

I. Maintenance of BMPs.

1. The operator shall maintain all erosion and sediment control measures (BMPs) and other protective measures identified in the SWPPP in effective operating condition.

2. If existing BMPs need to be repaired or modified or if additional BMPs are necessary, implementation shall be completed within 7 calendar days or before the next rain event (whichever is sooner), unless otherwise prescribed in a. through d. below. If implementation before the next rain event is impracticable, the reason(s) for delay shall be documented in the SWPPP and alternative BMPs shall be implemented as soon as possible. Additionally, the following maintenance activities shall be implemented as follows:

   a. Remove accumulated sediment when it reaches a maximum of one-third the height of the silt fence or one-half the height of a fiber roll.

   b. Sediment shall be removed from temporary and permanent sedimentation basins, ponds and traps when the depth of sediment collected in the basin reaches 50% of the storage capacity.

   c. Construction site egress location(s) shall be inspected for evidence of off-site tracking of sediment, debris, and other pollutants onto paved surfaces. Removal of sediment, debris, and other pollutants from all off-site paved areas shall be completed as soon as practicable, or as otherwise required by Federal, State, and local requirements.

   d. Accumulations of sediment, debris, and other pollutants observed in offsite surface waters, drainage ways, catch basins, and other drainage features shall be removed in a manner and at a frequency sufficient to minimize impacts and to ensure no adverse effects on water quality.

PART V. MONITORING REQUIREMENTS FOR DISCHARGES TO UNIQUE OR IMPAIRED WATERS

The provisions of Part V. apply only to operators with projects located within ¼ mile of an impaired or unique water. If any portion of the project area extends within this distance, the operator is subject to the requirements of this Part.

A. Monitoring Program. Operators of projects that are located within ¼ mile of impaired or unique waters shall prepare and implement a monitoring program that meets the requirements of this Part. Operators of sites that are down-gradient of these waterbodies can be exempted from monitoring if the operator provides a demonstration acceptable to ADEQ that there is no potential for discharge to reach the unique or impaired receiving water.

B. General Requirements. The operator shall develop a written site-specific monitoring program including both visual and analytical monitoring. The monitoring program shall be a part of the SWPPP as either an appendix or separate SWPPP section. The monitoring program shall include:

1. Locations of monitoring sites;
2. The name(s) and title of the person(s) who will perform the monitoring;
3. A map showing the segments or portions of the receiving water that are most likely to be impacted by the discharge of pollutant(s);
4. Water quality parameters/pollutants to be sampled;
5. The citation and description of the sampling protocols to be used;
6. Visual observation locations, visual observation procedures, and visual observation follow-up and tracking procedures; and
7. Identification of the analytical methods and related method detection limits (if applicable) for each parameter required. MDLs shall be below applicable surface water quality standards when possible.
8. Additionally, for sites within ¼ mile of an impaired water, the monitoring program shall include:
   a. An identification of the pollutant(s) of concern based on the most recent 305(b)/303(d) listing or other information available; and
   b. A description of potential source(s) of this pollutant(s) from the project, if any.

C. Visual Monitoring Requirements.

1. Visual Monitoring Schedule. At a minimum, visual monitoring activities for projects near impaired or unique waters shall consist of weekly site inspections. In addition, the operator shall visually observe stormwater discharges at all discharge locations within one business day after each 0.5 inch of precipitation from a rain event. Visual observations are only required during daylight hours (sunrise to sunset).
2. Visual Monitoring Locations. The inspector shall visually observe each drainage area for the presence of current (and indications of prior) discharges and their sources.
3. Visual Monitoring Parameters. Visual observations shall document the presence or evidence of any discharge, pollutant characteristics (floating and suspended material - clarity and solids, sheen, color, turbidity, odor, foam etc.), and source.
4. Visual Monitoring. The operator shall document conditions noted during visual monitoring. Documentation shall include photographs of site conditions including sediment loads, erosion and waste control BMPs and any discharges.

D. Analytical Monitoring Requirements.

1. Analytical Monitoring Schedule. Analytical monitoring shall be performed anytime a pollutant (including sediment) is known or suspected to discharge from the construction site. Monitoring shall continue until final stabilization for the project site is established and an NOT is filed.

2. Adverse Conditions Exception. The operator is not required to physically collect samples during dangerous weather conditions such as flooding and electrical storms; or during nighttime hours (sunset to sunrise). Information on any adverse conditions that prevented sampling shall be documented in the SWPPP.

3. Analytical Monitoring Locations.
   a. The operator shall conduct discharge sampling at locations observed or suspected to contain the greatest pollutant load resulting from the construction activities.

   b. Where the construction site is adjacent to or otherwise discharges directly to an unique or impaired stream, the operator shall sample

both immediately upstream and downstream of each discharge point. If there are two or more discharge locations from the site to the same unique or impaired stream, the operator may sample at one upstream and one downstream location in the stream. Additional monitoring points shall be located at the discharge points of the construction site. If the impaired or unique water is a lake, a site specific proposal for sampling the impact area shall be submitted.

c. If the unique or impaired water is a lake, a site-specific proposal for sampling the impact area shall be submitted. Documentation of ADEQ approval of the sampling plan shall be included in the SWPPP.

d. If the construction site is within ¼ mile of an unique or impaired water, but is not located adjacent to or does not otherwise discharge directly to the water, analytical monitoring shall be conducted at each discharge location (unless a discharge point representative of worst case discharge quality can be established as an alternative) at the construction site.

4. Analytical Monitoring Parameters.

a. The operator shall monitor for turbidity. The operator shall compare turbidity values from the sample locations referenced in Part V.D.3.b. If there is a 25% or more increase at the downstream monitoring location, the operator shall evaluate and replace, maintain, or install additional BMPs as necessary to reduce sediment transport.

b. The operator shall sample discharges to unique waters for any pollutants known, or which should be known to be present at the site.

c. The operator shall also sample discharges to impaired waters for any additional pollutants for which the water is impaired. However, if the operator can demonstrate that there is no reasonable expectation that construction activities could be an additional source of a specific pollutant, analytical monitoring for that parameter will not be required. As part of this demonstration, the operator must consider all on-site activities, as well as the potential for any pollutants (metals, nutrients, etc.) to be present in the on-site soils which will be disturbed.

5. Sample Collection, Preservation, Tracking, Handling and Analyses. The operator shall establish written procedures for sample collection, preservation, tracking, analyses, and handling, including the following:

a. Identify sample analyses and associated analytical methods (fixed base laboratory and field analyses);
b. Use of only preserved (as necessary), pre-cleaned sample containers provided by the laboratory;
c. Labeling each sample container with indelible ink noting sampler's name(s), sample identification, date and time of sample collection, sample location (discharge location), requested analyses, project name or number, and preservation (as appropriate);

d. Tracking samples using chain-of-custody (COC) forms. The COC shall include, at a minimum, sampler's name(s), phone number, date and time of sample collection, sample identification, requested analyses, and project name or number. The COC forms shall be included as part of the SWPPP;

e. Transporting and shipping samples for laboratory analyses in a manner that minimizes destruction of the sample or otherwise compromises sample integrity. Samples shall be provided to the analytical laboratory in a timeframe not exceeding analytical method hold times;

f. Designating and training personnel to collect, maintain, and ship samples in accordance with the above sample protocols and good laboratory practices.

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

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

F. Records.

1. Analytical Record Submittal. The operator shall submit monitoring records twice a year. Monitoring records for the period between June 1 and October 31 shall be submitted to ADEQ by November 30th of each year or at the time of final stabilization and NOT submittal, whichever is sooner. Monitoring records for the period between November 1 and May 31 shall be submitted to ADEQ by June 30th of each year or at the time of final stabilization and NOT submittal, whichever is sooner.

   Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or other format specified by the Director, and submitted to:

   Arizona Department of Environmental Quality
   Surface Water Section
   Stormwater and General Permits Unit/NOI (5415A-1)
   1110 W. Washington Street
   Phoenix, Arizona 85007

2. Record Retention. The operator shall retain records of all stormwater monitoring information and reports as part of the SWPPP for a period of at least three years from the date the NOT was submitted to ADEQ. In addition to the requirements in Part VIII.I of this permit. These records shall include:

   a. The date, exact place and time of sampling or measurements;

   b. The name and title of the qualified person performing the visual and analytical monitoring and any related measurements;

   c. The date(s) the analyses were performed;

d. The analytical techniques or methods used;
e. The results of such analyses; and
f. The response(s) taken to reduce or prevent pollutants in discharge.

PART VI. SPECIAL CONDITIONS

A. Hazardous Substances or Oil. The operator shall prevent or otherwise minimize the discharge of hazardous substances or oil in the discharge(s) from the construction activities 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, the operator shall:

1. 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 shall identify measures to prevent the reoccurrence of the releases and to respond to such releases; and

2. Provide notice to the National Response Center in accordance with 40 CFR 110, 40 CFR 117, and 40 CFR 302 within a 24 hour period, or as soon as site staff have knowledge of the discharge.

C. Spills. This general permit does not authorize the discharge of any hazardous substances or oil resulting from on-site releases.

D. Compliance with surface water quality standards. The operator must select, install, implement and maintain BMPs at the construction site that minimize pollutants in the discharge as necessary to meet applicable water quality standards. At any time after authorization, ADEQ may determine that stormwater discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, ADEQ may require you to:

1. Develop a supplemental BMP action plan describing SWPPP modifications to address adequately the identified water quality concerns;
2. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
3. Cease discharges of pollutants from construction activity and submit an individual permit application.

E. Continuation of the Expired General Permit. If ADEQ does not reissue this general permit before the expiration date, it will be administratively continued and remain in force and effect. Operators 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 ADEQ receives the operator's NOT; or

3. The date ADEQ issues an individual permit for the project's discharge; or

4. The date ADEQ issues a formal permit decision not to reissue this general permit, at

which time operators shall seek coverage under an alternative general permit or an individual permit.

PART VII. 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 submittal of an NOT. ADEQ may extend this retention period upon request by notifying the operator in writing at any time prior to the end of the standard three year retention period.

B. Maintaining Inspection Records. The operator shall 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.

PART VIII. STANDARD PERMIT CONDITIONS

A. Duty to Comply. [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(a)(1) and A.R.S. § 49-261, 262, 263.01, and 263.02.]

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 any effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

B. Need to Halt or Reduce Activity Not a Defense. [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(c)]. It shall not be a defense for an operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

C. Duty to Mitigate. [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(d)] The operator shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

D. Proper Operation and Maintenance. [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(e)] The operator shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the operator to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures.

E. Permit Actions. [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(f)] This permit may be modified, revoked and reissued, or terminated for cause. 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.

F. **Property Rights.** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(g)] This permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, nor any infringement of federal, state, Indian tribe, or local laws or regulations.

G. **Duty to Provide Information**. [A.A.C.R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(h)] The operator shall furnish to ADEQ, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The operator shall also furnish to ADEQ upon request, copies of records required to be kept by this permit.

H. **Inspection and Entry.** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(i)] The operator shall allow the Director, or an authorized representative, upon the presentation of credentials and such other documents as may be required by law, to:

1. Enter upon the operator's premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that shall 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.

I. **Monitoring and Records**. [A.A.C. 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, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

3. Monitoring shall 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); unless specific test procedures have been otherwise specified in this permit.

4. 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.

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

1. NOIs. All NOIs shall 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 permit and other information requested by ADEQ shall be signed by a person described in Part VIII.J.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 VIII.J.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 ADEQ 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 revised NOI shall be submitted to ADEQ prior to or together with any reports, information, or applications to be signed by the signatory or an authorized representative.

4. Certification. Any person signing documents, including inspection reports 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.

K. Reporting Requirements. [A.A.C. 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 or 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)).

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. Monitoring Reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit. 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 as specified in the permit, then the results of this monitoring shall be included in the calculation and reporting of the data to ADEQ.

4. Twenty-four hour Reporting.

   a. The operator shall report to ADEQ any permit 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, 5515B-1
      Phoenix, Arizona 85007
      Office: 602-771-2330; Fax 602-771-4505

      Note: Additional Federal, State, or Local release reporting may also be required.

   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.

5. Other Noncompliance. The operator shall report all instances of noncompliance (not otherwise required to be reported as prescribed in Part VIII.K.4) in accordance with Part VIII.K.3.

6. 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 ADEQ, the operator shall promptly submit the facts or information to the Surface Water Section of ADEQ.

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

M. **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.

N. **State or Tribal Law**. [Pursuant to A.A.C. R18-9-A904(C)] Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State or Tribal law or regulation under authority preserved by Section 510 of the Clean Water Act.

O. **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.

P. **Upset.** [A.R.S. §§ 49-255(8) and 255.01(E), A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(n)]

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. An 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 (K)(2)(4)(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.

Q. Bypass. [A.A.C. 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 paragraqph (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 backup 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.

PART IX. 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 X. DEFINITIONS

"24 hour period" means any consecutive 24-hour period.

"Anticipated rain event" for the purpose of this permit, means any storm event with at least a 30% chance of precipitation as predicted by the National Weather Service for the area local to the construction site.

"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" (BMPs) means those methods, measures or practices to prevent or reduce discharges and includes structural and nonstructural BMPs 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. In addition, the term shall include erosion and sediment control BMPs, stormwater conveyance, stormwater diversion, and treatment structures, and any procedure or facility used to minimize the exposure of pollutants to stormwater or to remove pollutants from stormwater.

"Business day" means Monday through Friday, except legal holidays observed by the state of Arizona.

"Commencement of construction activities" means the initial disturbance of soils associated with clearing, grading, excavating, or stockpiling of fill material activities or other construction-related activities.

"Common plan of development" means a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. A 'plan' is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

"Construction activity" includes clearing, grading, excavating, stockpiling of fill material and other similar activities resulting in a land disturbance of at least one acre. Construction activity also includes clearing, grading, stockpiling, etc. that occurs in smaller areas if part of a larger common plan of development or sale that will ultimately disturb one or more acres,. This definition encompasses both large construction activities defined in 40 CFR 122.26 (b)(14)(x) and small constructions activities in 40 CFR 122.26 (b)(15)(i).

"Day" means a calendar day or any 24-hour period that reasonably represents the calendar day.

"Department" means the Arizona Department of Environmental Quality.

"Discharge" means any addition of any pollutant to waters of the United States or to a MS4 from any point source.

"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 3-month Standardized Precipitation Index (SPI) which compares current cumulative precipitation to average conditions.

"Eligible" means authorization to discharge stormwater under this general permit.

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

"Erosion control" means temporary or permanent measures to prevent soil particles from detaching and being transported in stormwater.

"Impaired water" means waters that have been assessed by ADEQ, under the Clean Water Act, Section 303(d), as not attaining a water quality standard for at least one designated use, and are listed in Arizona's 2004 303(d) List and Other Impaired Waters.

"Municipal separate storm sewer" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

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

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

"Notice of Intent" (NOI) means the application to operate under this general permit.

"Notice of Termination" (NOT) means the application to terminate coverage under this general permit.

"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(27)]

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

"Rain event" as used in this permit is defined as when rain drops (ultimately resulting in 0.5 inch accumulation) reach the ground surface of the construction site. Separate rain events are distinguished by a 24 hour period of no rain reaching the ground surface of the construction site.

"Received," for the purposes of this permit and in reference to NOIs or NOTs or Permit Waiver Certificate forms means:

1. The day the information was signed electronically via the Smart NOI system and submitted to ADEQ,
2. The day the signed form was faxed to and received by ADEQ,
3. The date of hand-delivery of the signed form to ADEQ, or

4. The date ADEQ signs for certified mail containing the signed form.

"Receiving Water" as used in this permit includes Waters of the U.S. and conveyances thereto (including MS4s).

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

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

"Stabilization" refers to covering or maintaining an existing cover over soil that reduces and minimizes erosion.

"Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater Pollution Prevention Plan" (SWPPP) means a plan which includes narrative information describing how requirements in Permit Parts III through VIII, are met, 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.

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

"Turbidity" means the clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

"Unique water" means a surface water that has been designated by ADEQ as an outstanding state resource under A.A.C. R18-11-112. ADEQ anticipates that the term 'unique water' will be replaced with 'outstanding Arizona water' within the permit term.

"Waters of the United States" (U.S.) is defined in 40 CFR 122.2.

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

PART XI. ACRONYMS

AAC- Arizona Administrative Code

ADEQ - Arizona Department of Environmental Quality

ARS - Arizona Revised Statute

AZPDES - Arizona Pollutant Discharge Elimination System

BMP - Best Management Practice

CFR - Code of Federal Regulations

CWA - Clean Water Act

DMR - Discharge Monitoring Report

EPA - Environmental Protection Agency

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

TMDL - Total Maximum Daily Load

USGS - United States Geological Survey

APPENDIX A

Example Inspection Form

Example Sample Inspection Report

Instructions

This sample inspection report has been developed as a helpful tool to aid you in completing your site inspections. It is provided in Microsoft Word format to allow you to easily customize it for your use and the conditions at your site. You should also customize this form to help you meet the requirements in the AZPDES Construction General Permit related to inspections.

Refer to Permit Part IV.H for inspection requirements. Remember to include all areas of the site disturbed by construction activity. If a BMP has been used inappropriately or installed incorrectly, replace or modify the BMP for site situations as soon as practicable and before the next anticipated storm event. When sediment escapes the construction site, offsite accumulations of sediment must be removed at a frequency sufficient to ensure no adverse effects on water quality.

Using the Inspection Report
This inspection report is designed to be customized according to the BMPs and conditions at your site. For ease of use, you should take a copy of your site plan and number all of the stormwater BMPs and areas of your site that will be inspected. A brief description of the BMP and its location should then be listed in the site-specific section of the inspection report. For example, specific structural BMPs such as construction site entrances, sediment ponds, or specific areas with silt fence (e.g., silt fence along Main Street; silt fence along slope in NW corner, etc.) should be numbered and listed on the inspection form. You should also number specific non-structural BMPs or areas that will be inspected (such as trash areas, material storage areas, temporary sanitary waste areas, etc).

You can complete the items in the "General Information" section that will remain constant, such as the project name, AZCON authorization number, and inspector's name and qualifications. Print out multiple copies of this customized inspection report to use during your inspections.

When conducting the inspection, walk the site by following your site map and numbered BMPs/areas for inspection. Note any required corrective actions and the date and responsible person for the correction. Also note whether any previously identified site issues have been addressed.

Stormwater Construction Site Inspection Report

General Information			
Project Name			
Location			
AZCON number			
Date of Inspection		Start Time:	End time:
Inspector's Name(s)			
Inspector's Title(s)			
Inspector's Qualifications	(must attach to this report or indicate the portion of the SWPPP that documents the qualifications of the inspector by name)		
Describe present phase of construction			

Type of Inspection
❑ Weekly ❑ Bi-weekly ❑ Monthly
❑ Pre-storm event ❑ During storm event ❑ Post-storm event

Weather Information

Has it rained since the last inspection?
❑Yes ❑No
Weather information/Time Elapsed since last inspection:
Storm Start Date & Time: **Storm Duration (hrs):** **Approximate Rainfall (in):**

Weather at time of this inspection?

Do you suspect that discharges may have occurred since the last inspection?
❑Yes ❑No

Are there any discharges at the time of inspection?
❑Yes ❑No

If yes, provide location(s) and a description of stormwater discharged from the site (presence of suspended sediment, turbid water, discoloration, and/or oil sheen

Non-Stormwater Discharges

Identify all non-stormwater discharges (i.e. water, other than stormwater, directed to a watercourse, storm drain, or off of the construction site):

Site-specific BMPs

Number the structural and non-structural BMPs identified in your SWPPP on your site map and list them below. ***Include all BMPs implemented to manage erosion, sediment transport, waste disposal, material and equipment storage areas, and non-stormwater discharges.*** *Carry a copy of this numbered site map with you during your inspections. This list will help ensure that you are inspecting all BMPs at your site. Customize this section as needed.*

	BMP Description and Location (indicate if associated with non-stormwater)	BMP Installed and Operating Properly?	Corrective Action Needed	Date for corrective action/responsible person	Corrective Action Implementation Date
1		❑Yes ❑No			
2		❑Yes ❑No			
3		❑Yes ❑No			
4		❑Yes ❑No			
5		❑Yes ❑No			
6		❑Yes ❑No			
7		❑Yes ❑No			
8		❑Yes ❑No			
9		❑Yes ❑No			
10		❑Yes ❑No			
11		❑Yes ❑No			
12		❑Yes ❑No			
13		❑Yes ❑No			
14		❑Yes ❑No			
15		❑Yes ❑No			
16		❑Yes ❑No			
17		❑Yes ❑No			
18		❑Yes ❑No			
19		❑Yes ❑No			
20		❑Yes ❑No			

Below are some general site issues that should be assessed during inspections. Customize this list as needed for conditions at your site.

Overall Site Issues

	BMP/Activity	Implemented?	Maintained?	Location/Corrective Action	Date for corrective action/responsible person	Corrective Action Implementation Date
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	❑Yes ❑No	❑Yes ❑No			
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	❑Yes ❑No	❑Yes ❑No			
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	❑Yes ❑No	❑Yes ❑No			
4	Are discharge points and receiving waters free of sediment deposits? **If no, provide locations**	❑Yes ❑No	❑Yes ❑No			
5	Are storm drain inlets properly protected?	❑Yes ❑No	❑Yes ❑No			
6	Is there evidence of sediment being tracked into the street?	❑Yes ❑No	❑Yes ❑No			

	BMP/Activity	Implemented?	Maintained?	Location/Corrective Action	Date for corrective action/responsible person	Corrective Action Implementation Date
7	Is trash/litter from work areas collected and placed in covered dumpsters?	❑Yes ❑No	❑Yes ❑No			
8	Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	❑Yes ❑No	❑Yes ❑No			
9	Are vehicle and equipment fueling, cleaning, material storage, and maintenance areas free of spills, leaks, or any other deleterious material?	❑Yes ❑No	❑Yes ❑No			
10	Are materials that are potential stormwater contaminants stored inside or under cover?	❑Yes ❑No	❑Yes ❑No			
11	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	❑Yes ❑No	❑Yes ❑No			
12	Are there locations where additional BMPs are necessary?	❑Yes ❑No	❑Yes ❑No			
13	Are changes to the SWPPP necessary?	❑Yes ❑No	❑Yes ❑No			
14	(Other)		❑Yes ❑No			

❑ If there were no incidents of noncompliance noted during the inspection the inspector certifies that the construction project or site is being operated in compliance with the SWPPP and Permit No. AZG2008-001.

Certification statement:
"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 the 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."

Print Inspector's Name: _____

Signature: _____

Date: _____