



# **Fact Sheet for the Issuance of Arizona Pollutant Discharge Elimination System (AZPDES) General Permit for De Minimis Discharges to Surface Waters (AZG2009-001)**

## **INTRODUCTION**

This Fact Sheet relates to the Arizona Department of Environmental Quality (ADEQ) 2009 AZPDES General Permit for De Minimis Discharges, proposed for issuance by ADEQ. Hereinafter, the terms “permit” or “De Minimis General Permit” or “DMGP” will be used. This general permit is applicable to De Minimis discharges in Arizona except for those in Indian Country as defined by Federal law (Title 18 USC §1151); those tribal areas continue to be the jurisdiction of EPA Region 9. (See discussion of Part I.A., below, for further details).

This permit replaces the previous AZPDES De Minimus General Permit (AZG2004-001) which was issued by ADEQ on March 17, 2004, for a five-year term. (NOTE: the spelling has been revised to “De Minimis” to reflect the more common usage.) The new permit will also be issued for a five year term, thus expiring in 2014 on the anniversary of the date the permit is signed. Pursuant to A.A.C. R18-9-C905, ADEQ may modify or revoke and reissue this permit before it expires if certain conditions presented in 40 CFR 122.62(a) or (b) are met.

This Fact Sheet is written in an informal style that does not necessarily reflect verbatim the actual language used in the permit. It is intended to help the regulated community and other readers understand the intent and basis of the actual permit language. If any discrepancy exists between this summary and the actual DMGP language, permittees must comply with the DMGP as written.

## **BACKGROUND**

Under Arizona Revised Statutes (A.R.S.) Title 49, Chapter 2, Article 3.1, it is unlawful to discharge to waters of the United States (U. S.) except in conformance with an AZPDES permit. Waters of the U. S. are surface waters, which include lakes, rivers, streams (including intermittent streams), ephemeral washes, playa lakes, certain canals, certain wetlands, and other waters (A.A.C. R18-11-101(41)).

There are two basic types of AZPDES permits: individual permits and general permits. An individual permit is typically issued for discharges from a single facility for a multi-year period, and often requires a lengthy period for review and issuance. As an alternative to individual permits, Arizona’s AZPDES regulations authorize the issuance of general permits (A.A.C. R18-9-C901) for categories of discharges located within common geographic areas, that:

- Involve the same or substantially similar types of operations;
- Discharge the same types of wastes or engage in the same types of disposal practices;
- Require the same effluent limitations, operating conditions, or standards;

- Require the same or similar monitoring; and
- Are more appropriately controlled under a general permit than under an individual permit.

A general permit is a cost-effective and efficient means for ADEQ to authorize discharges from a large number of similar facilities or sites, while ensuring consistency in permit conditions for similar discharges. This approach also benefits an applicant by significantly shortening the time necessary to obtain permit coverage, compared with the individual AZPDES permit process.

Accordingly, ADEQ has developed the DMGP to allow a range of De Minimis discharges to be authorized under one general permit. These include discharges from maintenance of potable water systems, well development, aquifer testing, hydrostatic testing of pipelines, subterranean dewatering, and other projects (see Part I.B., below). These are discharges which, if properly managed, will not have significant impacts on water quality or the environment. Eligible discharges are generally infrequent, of low volumes, or of short durations (less than 30 consecutive days unless otherwise authorized in writing by ADEQ). They require similar best management practices (BMPs) to minimize any pollutants. They typically involve a limited set of pollutants (suspended sediment, trace metals, chlorine, oil and grease, high or low pH, bacteria, or organic debris,), and require similar monitoring requirements when discharged to waters with the same designated uses. All of these factors make these types of discharges more appropriately controlled under a general permit than under individual AZPDES permits.

NOTE: When the requirements of a general permit do not adequately address the activity at a facility or if ADEQ determines that the discharge is a significant contributor of pollutants, an individual permit may be required so that permit conditions can be customized to the discharge site. See Part V.P. of the permit; and A.A.C. R18-9-B901 for the requirements for an individual permit application and issuance or denial.

#### **CHANGES from 2004 DMGP to 2009 DMGP**

Below is a summary of the changes from the 2004 DMGP that appear in the 2009 DMGP. Many of these are intended as clarification of the original permit conditions. Those preceded by a diamond symbol (◆) represent new or modified provisions in the permit. A general summary of permit conditions follows this section.

1. The spelling of “De Minimus” has been changed to “De Minimis” throughout the permit, to reflect the more common usage.
2. The term “surface water” is used throughout the permit and fact sheet instead of “water of the U. S.,” for consistency with the terminology and definition in the Surface Water Quality Standards (SWQS), A.A.C. R18-11 Article 1 (see Item #32. f., below).
3. Part I.A. has been retitled, “Permit Area and Applicability,” and now includes language describing the types of situations where coverage is required. This addition was made in response to stakeholder requests for such a clarification within the permit.
4. ◆ Part I.B.1.d., under “Potable Water Systems”: Eligibility for coverage is provided for discharges from military Tactical Water Purification System training operations of 30 days or less. See discussion of this item under Part I.B., below.
5. ◆ Part I.B.3. “Eligibility / Well development and maintenance and/or aquifer testing”: The 2004 DMGP excluded discharges from soil/groundwater remediation projects, except for well installation, well development, and/or monitoring well purge water (2004 DMGP, Part I.C., Limitations on Coverage, item #1). In Part I.B.3.d., the 2009 DMGP allows eligibility for well/aquifer pump testing associated with remediation activities, provided the discharge does not exceed 72 hours; the water is treated to meet the SWQS; and a Specific Approval (Part I.B. 7.) has been issued.

◆ Part I.B.3.e., the permit also provides eligibility for backflushing of injection wells, provided the discharge meets the applicable SWQS. Such discharges typically consist of groundwater that meets Aquifer Water Quality Standards and SWQS.

NOTE: AZPDES permit coverage is not required for discharges conducted pursuant to a consent decree under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

6. ◆ Part I.B.4.c., under "Hydrostatic Testing": In the section on testing of pipelines/vessels that have been used to store or transport oil or gas, specific conditions relating to Aquifer Protection Permit compliance have been condensed into a single proviso, stating that that the conditions of a Type 1.03 General Permit under the Aquifer Protection Permit (APP) rules, or an individual APP, must be met. This was done in recognition that compliance with APP rules is determined by the ADEQ Groundwater Section, rather than the ADEQ AZPDES Program.
7. ◆ Part I.C., under "Limitations on Coverage": New item #4, "Discharges from vehicle washes" (other than charitable non-commercial car washes, Part I.B.6.). This exclusion has been added because the applicable APP Type 3.03 General Permit does not allow discharges to surface waters. See discussion of Part I.C.4., below, for further details.
8. Part I.C., under "Limitations on Coverage": New item #5 excludes discharges of reclaimed water other than Class A+ or Class B+, and reclaimed water going to certain water types. This limitation reflects restrictions included in the 2004 permit and in the 2009 DMGP Parts I.B.4.e. and I.B.5.).
9. ◆ Part II.A., "Application for Coverage..." The 2004 DMGP stated that except for Areawide NOIs, "*applications for authorization to discharge under this permit are for one discharge source at one location.*" This language has been modified in the 2009 DMGP to allow a single-source Notice of Intent (NOI) to include releases from several facilities (e.g., dewatering wells), provided that all the discharges are for the same type of activity, and that they all go to one discharge location (outfall to surface waters).
10. Part II.A., "Application for Coverage..." Language has been added to specify that the applicant must be a person in control of the activities necessary for compliance with the permit conditions, and to emphasize that the applicant (signer of the NOI) is responsible and liable for compliance. See discussion of Part II. A., below.
11. ◆ Part II.A.1., Existing De Minimis Authorizations under 2004 DMGP: This item references other permit provisions regarding continued authorization for existing permittees who had coverage under the 2004 DMGP (Parts II.B.1. and III.A.1.),
12. Part II.A.3., Application for coverage for single-source discharges to perennial, intermittent, DWS use canals, OAWs, or impaired waters: The revision clarifies that the pertinent NOI requirements apply if the discharge may reasonably be expected to reach such waters under conditions expected to be present during the discharge, although made directly to ephemeral waters or non-DWS use canals.
13. ◆ Part II.A.4., "Application for Areawide Coverage..." Eligibility for Areawide coverage has been added for military facilities conducting Tactical Water Purification System training operations not exceeding 30 days each. For all Areawide applicants, the former statement that the NOI must list "all known discharge locations to be covered" has been modified. It now allows for categories of unspecified discharge locations (e.g., fire hydrants), as provided in the note at the end of Part III.B. of the permit, and in both the 2004 and 2009 Areawide NOI forms.

14. ♦ Part II. A. 5. and - 6. under “Application for Coverage...”: Two new types of “umbrella” coverage have been added, both patterned after the Areawide coverage in the 2004 DMGP. These additions are proposed in order to increase efficiency of processing and improve oversight of permitted discharges; they do not expand the eligible types of discharge activities under the DMGP. Using this structure, only municipalities and other public water suppliers would remain eligible for “Areawide” coverage, but certain other entities would be eligible as follows:
- a. “Project-wide” coverage (Part II.A.5.) is intended for permittees with De Minimis discharges not resulting directly from operation of a public water supply system, but having multiple discharge locations and/or extended project timeframes. Hydrostatic testing of new oil or gas pipelines/vessels is proposed to be moved to this category, from Areawide eligibility in the 2004 DMGP. As in the 2004 DMGP, discharges from testing of pipelines or vessels previously used for oil or gas would not be eligible for Project-wide coverage; single-source NOIs and specific approvals would still be required for those. Utilities other than providers of water, oil, or gas were excluded from Areawide coverage in the 2004 DMGP, but are now potentially eligible for Project-wide coverage.
  - b. “Facility-wide” coverage (Part II.A.6.) is intended for entities with discharges resulting from operation of their own water systems for non-industrial use (potable, irrigation, or fire suppression) within their own commercial, governmental, or industrial facilities. Such discharges were considered eligible for Areawide coverage under the 2004 DMGP, but ADEQ believes that “Areawide” coverage is more appropriate for public water suppliers with defined service areas. NOTE: discharges from industrial processes and/or ongoing operation of permanent water treatment plants or wastewater treatment facilities would still be excluded from DMGP coverage, as in the 2004 DMGP.
15. Part II.B.7., under “Authorization to Discharge and Timeframes”: A condition has been added to clarify that discharges anticipated to last longer than 30 consecutive days are not authorized until ADEQ issues written authorization. This is intended to emphasize the requirement already contained in the definition of De Minimis discharge (Part VII), in both the 2004 DMGP and the 2009 DMGP.
16. Part II.B.8., under “Authorization to Discharge and Timeframes”: A condition has been added stating that discharges that may reasonably be expected to reach Indian Country under conditions expected during the discharge are not authorized until ADEQ issues written authorization. This documents existing ADEQ procedure, which allows time to notify the affected tribes, receive their comments (if any), and address any issues raised.
17. ♦ Part II.C.1 and -2., under “Modification of Coverage”: The revision in C. 1. allows flexibility for amending a single-discharge NOI, which was not provided in the 2004 DMGP. Changes in projects are common, and the DMGP requires discharges to be conducted according to the information in the NOI. Allowing amendments will be more efficient than requiring new NOIs for minor changes of location, dates, or duration of discharge. ADEQ will review each amended NOI and notify the permittee whether 1) the changes are accepted as a minor modification, or 2) a new NOI must be submitted. The same as for new NOIs, a copy of the amended NOI must be submitted to the owner/operator of any affected MS4 or conveyance.

The authorization time frame (C.2.) for additional discharge locations for established Areawide, Project-wide, or Facility-wide authorizations has been changed from 30 business days (per 2004 DMGP for Areawides) to five business days, provided the discharge is to an ephemeral or effluent-dependent water, or a non-DWS use canal. This also applies to the new “Project-wide” and “Facility-wide” authorizations in the permit. For additional discharge locations to other types of surface waters, the authorization period is still 30 business days.

18. ♦ Part III.A.1., under Notice of Intent Requirements / Deadlines for Notification: This addition gives the requirements for BMP plan updates and NOI submittal for holders of existing De Minimis discharge authorizations under the 2004 DMGP, after the 2009 DMGP is issued. Time allowances after DMGP issuance are provided (90 days for BMP plan updates; 120 days for new NOIs or NOTs).
19. ♦ Part III.B.3., under Contents of NOI : The requirement for property owner information has been changed to discharging facility owner information, in cases where the facility owner is not the applicant. This change was made in recognition that Areawide NOIs may include numerous facilities that may be owned by the water provider but are situated on properties with different ownership. The facility ownership is more pertinent to the DMGP than the property ownership, in such cases.
20. Part III.B.10., under Complete description of the proposed discharge(s): Item d. is intended to clarify that NOIs for Specific Approvals and/or discharges reaching surface waters other than ephemeral waters or non-DWS use canals must include certain water quality data that is representative of the proposed discharge, as prescribed by ADEQ. Items d. and k. also clarify that the surface waters receiving the discharge include all waterbodies the discharge may reasonably be expected to reach, under conditions expected to be present during the discharge.
21. Part III.B.11., under Contents of NOI: This addition is intended to clarify submittal requirements for hydrostatic testing of pipes and/or vessels previously used to transport or store oil or gas, in accordance with Part I. B. 4. c. of the permit.
22. Part III.D., Notification to Owner/Operator of Receiving Conveyance: A revision clarifies that this requirement applies to revised NOIs (now allowed under Part II.C.1.) as well as new NOIs.
23. ♦ Part IV.B.2., under Discharge Prohibitions: a revision clarifies that any additives to the discharge are subject to monitoring and reporting if required under Part IV.E. of the permit. This change was made in recognition that some common additives (such as dechlorination chemicals) do not have SWQS or permit limits, and therefore may not require monitoring as COCs. However, the use of any additives must still be described with the appropriate controls in the permittee's BMP plan.
24. ♦ Part IV.B.7. and -8., under Discharge Prohibitions: These two provisions have been added for conformance with the new narrative water quality standards in A.A.C. R-18-11-108. C. and D. (2009), regarding deposition of suspended solids and solid wastes such as refuse, rubbish, etc.
25. Part IV.D.1. and -2., under Best Management Practices (BMP) revisions have been made to clarify that Part IV.D.1. addresses factors to consider in developing the BMPP, while D.2. specifies items that must be included. The items pertaining to responsible individuals and training have been moved to section D.2.
26. ♦ Part IV.D.2.c., under Best Management Practices (BMP) / Provisions for dechlorination: This section has been revised to explain and clarify dechlorination requirements in various situations. The section no longer refers to "superchlorinated water," because of differing definitions of that term. Discharges must meet the permit limit for total residual chlorine (TRC) for the affected type of surface water. Consideration of further TRC reduction is recommended in several situations. See discussion of Part IV.D.2.c., below, for further details.
27. ♦ Part IV.D.2.f., under Best Management Practices (BMP) / Identify and provide contact information: a revision has been made to allow contact information for position titles of responsible personnel, as an alternative to listing individual staff. This was done in recognition

that a large entity may have numerous responsible managers and frequent changes in personnel. This revision eliminates the need to update the BMP Plan for every staff change.

28. Part IV.D.3.: when a BMP Plan is revised, the permit requires submittal of the revised plan (or the revised sections) to ADEQ if a previous version was required to be submitted. Immediate submittal is not required for BMP Plan updates made pursuant to Part III.A.1.a. (existing permittees transitioning to the 2009 DMGP).
29. ◆ Part IV.E.1.c., under “Monitoring”: In the 2004 DMGP, the language describing the required sampling point stated that it must be “prior to mixing with any other water.” This has been revised to specify that samples must be taken prior to mixing with the surface water receiving the discharge. This allows sampling after the discharge has flowed through an MS4 or other conveyance, where the presence of “other water” may be uncertain.
30. Part IV.E.2., under Reporting: Former item IV.E.2.a. (regarding availability of permittees’ reports for public inspection, and potential penalties for false statements in reports) has been removed from the permit. Availability of information to the public is addressed in statute (A.R.S. 49-205), and potential penalties are cited in Part VI of the permit. Therefore there is no need for this item.
31. ◆ Part V.K.2., under Signatory Requirements: BMP Plans have been added to the items that can be signed by a duly authorized representative of the original signatory, for ease of BMP Plan modification if/when warranted by site conditions.
32. Part VII., DEFINITIONS, ACRONYMS, AND ABBREVIATIONS:
  - a. A list of acronyms has been added for ease of reference (Part VII.A.).
  - b. “Constituent of concern” has been changed from “contaminant of concern” to be consistent with terminology used in the permit; the definition has been revised for clarity. Language in this definition relating to the AWQS has been revised for consistency with Part IV.B.4. g. of the permit and the corresponding narrative SWQS (A.C.C. R18-11-108(A)(7)).
  - c. The definition of “De Minimis discharge” has been revised for clarity, and to provide for discharges that may not be “low flow” or “low frequency,” but are nevertheless determined by ADEQ to be appropriate for DMGP coverage. (Example: continuous subterranean dewatering discharges that are necessary for extended construction projects, that meet all applicable SWQS, and are conducted with appropriate BMPs.)
  - d. The definition of “Impaired water” has been updated with current references to the listings of Category 4 and Category 5 waters in *Arizona’s Integrated 305(b) Assessment and 303(d) Listing Report*, and a link to this information on the ADEQ website.
  - e. The definition of “Outstanding Arizona Waters” (OAWs, formerly “Unique Waters” in the 2003 SWQS) has been added, referencing the waters designated as OAWs in A.A.C. R18-11-112 (2009).
  - f. The definition of “Surface water” has been added to reflect the terminology and definition in the Arizona Surface Water Quality Standards, AAC R18-11-101 (41). See Item #2 in “CHANGES” section, above.
  - g. Added or revised the following definitions for clarity:
    - Arithmetic mean
    - Best management practices
    - DWS-use canal
    - Cold waters

- Director
- Domestic water source
- Effluent-dependent water
- Ephemeral water
- Impervious material
- Intermittent water
- Indian Country
- Limit of detection
- Non-DWS use canal
- Notice of Intent
- Notice of termination
- Outstanding Arizona Water
- Parameter
- Perennial water
- Received (for NOIs)
- Single-source discharge
- Total Maximum Daily Load
- Water utility

33. Appendix A, Sec. A., Monitoring Requirements: A sentence has been added to clarify an alternative to per-discharge monitoring for discharges that occur on a frequent and regular basis (typical of Areawide authorizations). The alternative is also provided in footnotes to Appendix A., Tables A. – C., (as they were in the 2004 DMGP).
34. ♦ Appendix A, Sec. A. 2., Field Screening: Revised to specify that the permittee must have written procedures to ensure consistency in field testing methods, if any are used. For example, the procedures should specify that the same type of field test kit is to be used for all measurements of a given parameter during the subject discharge(s); and that the field instrumentation is to be properly calibrated, if applicable. However, there is no routine requirement to submit these procedures to ADEQ. Visual observation has been added as an acceptable field monitoring method for oil & grease. Field monitoring is necessary in order to correct any problem, but there is no field test kit for oil & grease.
35. Appendix A, Sec. A. 2., Field Screening, Table 1, Field Sensitivity or Accuracy Requirements: The section for Total Residual Chlorine in this table has been revised to more accurately specify which discharges require a detection limit of 0.019 mg/L (reflecting the 2009 SWQS for perennial, intermittent, and effluent-dependent waters). A cross-reference has been added regarding allowable sensitivity in cases where there is no analytical method with a detection limit as low as the permit limit/SWQS. See also the discussion under Part IV.D., below, regarding alternatives to the sensitivity requirement.
36. Appendix A, Sections A. 4. – A. 5.: The “Photographic Documentation” and “Field Log” items have been moved into the “Monitoring Requirements” section (previously under the “Reporting and Records Retention” section). This is intended clarify that these are part of the monitoring requirements where applicable.
37. ♦ Appendix A, Section A. 4., Photographic Documentation: An exception to the photographic documentation requirement has been added for discharges to lined canals or impervious MS4 conveyances. For other waters, this section now gives more detail on the areas to be photographed, and specifies that post-discharge photos must be taken from the same viewpoint(s) as pre-discharge photos.
38. ♦ Appendix A, Tables A, B, and C (Discharge Limitations and Action Levels): The numeric limits for total residual chlorine (TRC) have been modified to reflect the 2009 SWQS (A.A.C. Title 18 Chapter 11, Article 1). Most notably, the TRC limit for ephemeral waters has been changed to 4,000 µg/L, from 130,000 µg/L in the 2004 permit which reflected the 2003 numeric SWQS.
39. ♦ Appendix A, Tables A, B, and C: Limitations have been added for boron for discharges to surface waters with designated use(s) of agricultural irrigation and/or domestic water source,

reflecting the SWQS for those uses. This is based on the occurrence of elevated boron levels in groundwater in some areas, potentially affecting De Minimis discharges from activities such as well pumping tests and subterranean dewatering.

40. Appendix A, Tables A, B, and C: Under Discharge Limitations, COC's: wording has been added to clarify that monitoring is required for any constituents of concern (COC) identified as such by ADEQ or the permittee. The applicable standards are found in the SWQS referenced here, but not all the parameters listed in the SWQS would be considered COCs for a particular discharge.
41. Appendix A, Table C: No numeric limitation for suspended sediment concentration (SSC) is included even though there are numeric SWQS that apply to perennial and intermittent waters (A.A.C. R18-11-109. D.). The SWQS for SSC are based on the median value from a minimum of four samples collected at least seven days apart; such sampling would not be applicable to the majority of De Minimis discharges due to their short duration. (However, ADEQ would still be able to impose an SSC limitation and require such sampling where appropriate.) As indicated in the corresponding footnote, the narrative water quality standards apply in any case, and BMPs must be implemented accordingly.
42. Appendices B – E (Forms) in 2004 DMGP: De Minimis forms have not been incorporated as part of the 2009 DMGP. For the sake of potential future improvements in clarity of the forms and efficiency in processing, ADEQ has found it better to have them stand alone so that they can be revised as needed. However, example forms are available for review during the public participation process for the 2009 permit.

## SUMMARY OF PERMIT CONDITIONS

The “Part” numbers below refer to those in the 2009 DMGP:

**Definition of “De Minimis discharge”:** A fundamental provision of the DMGP is the definition of De Minimis discharge found in Part VII of the permit. As defined, a De Minimis discharge is a discharge to surface waters which:

- meets the applicable surface water quality standards;
- is a low-flow and/or low-frequency event, or is otherwise determined by ADEQ to be appropriate for DMGP coverage (see Item #32.c. in “CHANGES” section, above);
- is conducted with appropriate BMPs in accordance with Part IV.D. of the permit; and
- does not last for more than 30 days unless written approval for a longer discharge is issued in advance by the Department.

Proposed discharges must be consistent with this definition in order to be eligible for DMGP coverage, and are also subject to the “Limitations on Coverage” discussed below (Part I.C. of the permit).

**Part I. A. - Permit Area and Applicability.** The DMGP is applicable within the State of Arizona, except for Indian Country. Indian Country, as defined in U. S. Code Title 18 §1151, includes all land within the limits of any Indian reservation under the jurisdiction of the United States government. ADEQ does not have permitting authority in Indian Country. Operators in these areas must pursue permitting through U.S. EPA Region 9 or other appropriate permitting authority.

For discharges in Indian Country that may reasonably be expected to reach surface waters within State lands, the operator should check with ADEQ regarding the need for AZDPES permit coverage.

### What discharges need coverage?

Coverage is required under this permit for eligible discharges to surface waters (either directly or by way

of a storm sewer system or other conveyance), unless:

- 1) the discharge is authorized by another AZPDES permit, such as an individual permit or the general permits for construction or industrial stormwater; or
- 2) the discharge is excluded from AZPDES permit requirements under A.A.C. R18-9-A902.G., or pursuant to a consent decree under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

In addition, regulated Municipal Separate Stormwater Sewer Systems (MS4) may require persons making non-stormwater discharges into the MS4 to have their own AZPDES coverage under the DMGP or other AZPDES permit, regardless of whether the discharge will actually reach a surface water. Lists of regulated small and large MS4s can be found on the ADEQ website:

<http://www.azdeq.gov/environ/water/permits/stormwater.html#ms4>

Discharges which go only to retention basins outside of surface waters, and have no potential to reach surface waters, do not need AZPDES coverage unless required by a regulated MS4 (see above). Such discharges may, however, require an Aquifer Protection Permit.

**Part I. B. - Activities Eligible for Authorization.** This permit provides coverage for the following types of discharges, subject to the terms and conditions of the permit:

- Potable water systems. Discharges associated with the operation of potable water systems, such as disinfection and flushing activities, pressure releases, overflows, wells that have been approved by ADEQ for drinking water use.

Military Tactical Water Purification System (TWPS) operations of 30 days or less are now included for routine coverage, provided the discharge is to an ephemeral water or non-DWS use canal (Item # 4 in "CHANGES" section, above, and Part I.B.1.d. of the permit). Such operations are conducted for military training purposes, and involve the discharge of potable water and filter backwash from the TWPS. Such discharges have been authorized by specific approval under the 2004 DMGP; based on the resulting data they appear consistent with the requirements for routine coverage. Submittal of an NOI would still be required, but the need for a specific approval process would be eliminated for qualifying discharges. Proposed TWPS discharges to other types of receiving water could be considered for specific approval.

- Subterranean dewatering. Discharges associated with subterranean dewatering, except for discharges from vaults and from mining activities. Discharges from vaults may be considered for coverage under the Specific Approval provision of Part I.B.7.
- Water wells. Discharges associated with well construction, development, maintenance, or rehabilitation; and from water supply or water quality investigations. NOTE: discharges from soil and groundwater remediation projects are subject to the limitation in Part I.C.1., discussed below.
- Hydrostatic testing – water/sewer systems and new pipelines/vessels. Discharges associated with hydrostatic testing of new pipelines, tanks or vessels, or components of potable water systems, sewer systems, or reclaimed water systems. Source water for the testing is generally limited to groundwater, surface water, or potable water. However, if discharges are to ephemeral or effluent-dependent waters or non-DWS use canals, Class B+ or A+ reclaimed water may be used.
- Hydrostatic testing – used oil or gas pipelines/vessels. Discharges associated with the testing of pipes, tanks, or vessels that have been previously used to transport oil or gas, provided the conditions of a Type 1.03 General Permit or an individual permit under Aquifer

Protection Permit rules (A.A.C. R18-9-B301. C.) have been met, and the water quality has been found to meet all applicable surface water quality standards.

- Reclaimed water systems. Discharges from reclaimed water systems utilizing Class B+ or A+ reclaimed water, relating to post repair flushings and pressure releases when the discharges are to ephemeral or effluent-dependent waters, or non-DWS use canals.
- Specific approvals and extended discharge authorizations. Types of discharges that are not specifically listed for routine coverage in the DMGP, or are planned to exceed 30 consecutive days, but are determined to be De Minimis and approved in writing by ADEQ.
- Discharges that are covered with no NOI required: The following are covered under the DMGP (Part I.B.6.) with no requirement for submittal of an NOI, provided the surface waters that receive the discharge are ephemeral or canals without DWS only:
  - Residential non-contact cooling water (such as overflow from evaporative coolers or air conditioning condensate);
  - Building and/or street wash water when only biodegradable soaps and/or water are used;
  - Discharges from charitable noncommercial car washes when only the exterior of the vehicles are being washed, and only biodegradable soaps and/or water are used; and
  - Dechlorinated drainage from swimming pools.

#### **Part I. C. - Limitations on Coverage.**

The 2009 DMGP excludes the following types of discharges (same as 2004 DMGP unless cross-referenced to an item in “CHANGES” section):

1. Discharges from soil and/or groundwater remediation activities, other than well installation, well development, purging, and certain other activities (see DMGP Part I.B.3.d. and e., and Item #5 in “CHANGES” section, above);
2. Discharges from ongoing operation of permanent domestic or industrial water or wastewater treatment plants or industrial processes;
3. Discharges that include solvents, strong acids, caustic agents, halogenated hydrocarbons (other than disinfection by-products), biocides or other pollutants, which are not readily biodegradable or are present in concentrations that could adversely affect water quality or aquatic life;
4. Discharges from vehicle washes other than those specified in Part I.B.6. (Item #7 in “CHANGES” section, above). Such discharges (including those from commercial mobile car washes) would not meet the requirements of a Type 3.03 General Permit under Arizona’s Aquifer Protection Permit rules, which do not allow discharges to surface waters from these facilities (A.A.C. R18-9-D303.C.2). For the same reason, these discharges were not listed as eligible under the 2004 DMGP, and ADEQ has not granted specific approvals for them. If discharges to surface waters from a mobile car wash were proposed, an individual APP permit would be required. An individual AZPDES permit (rather than a DMGP authorization) would also be required because of the level of treatment that would be necessary for compliance with the SWQS.

5. Discharges of reclaimed water other than Class A+ or Class B+, and discharges of reclaimed water to surface waters other than ephemeral or effluent-dependent waters or non-DWS use canals (see Item # 8 in “CHANGES” section, above).
6. Discharges from any source for which Effluent Limitation Guidelines have been established per CWA Section 304(b);
7. Discharges required to be authorized under a stormwater permit issued per CWA Section 402(p) (Municipal and Industrial Stormwater);
8. Discharges required to be authorized under other general permits;
9. Discharges that cause or contribute to exceedences of Arizona water quality standards;
10. Discharges that are not in conformance with any approved Total Maximum Daily Load (TMDL).

NOTE: AZPDES permits do not cover discharges resulting from pipeline breaks or leaking lines/facilities, except for discharges associated with repairs. ADEQ considers releases from pipeline breaks and leaks to be types of “spills” and thus inappropriate for routine permit coverage. When breaks or leaks result in discharges to surface waters, they should be terminated as soon as possible and remediated as necessary. ADEQ’s response to such events is better evaluated based on particular circumstances such as the size, effect, and nature of the discharge as well as the discharger’s response actions. ADEQ may use enforcement discretion in responding to such events.

#### **Part II. A. Application for Coverage for De Minimis Discharges**

For existing permittees with ongoing discharges that were authorized under the 2004 DMGP: Part II.A.1. of the 2009 permit contains references to other permit provisions for continued authorization (Parts II.B.1 and III.A.1.). The remainder of Part II.A. specifies submittal requirements for various types of discharges, whether the applicant is transitioning from 2004 DMGP coverage or seeking new discharge authorization.

For most eligible discharges, authorization to discharge under this permit is requested by submitting a Notice of Intent (NOI) to ADEQ. (Discharges specified under Part I.B.6. are not required to submit NOIs, but must follow the applicable requirements of the general permit.) Only De Minimis NOI forms provided by ADEQ (or reproductions thereof) are valid.

See item #10 in “CHANGES” section, above. The applicant submitting a NOI must be a person having control of those activities related to the subject discharge which are necessary to ensure compliance with the conditions of this permit, and who takes responsibility for such compliance. (Additional signatory requirements are specified in Part V.K. of the permit.) It is imperative that the applicant (signer of the NOI) understands that he or she is liable for adherence to the conditions of the permit, which include potential civil and criminal penalties for noncompliance as stated in Part VI of the permit. Where there is more than one party involved in a project (for example, a hydrogeologic consultant performing an aquifer test for a municipality), the applicant may be either party, but must have sufficient fiscal and technical control to ensure compliance with permit conditions. Such control may be direct or by means of a contract with the other party, but the responsibility always belongs to the applicant/permittee. The preparation of a Best Management Practices Plan (BMPP) is part of the NOI process for all applicants. Submittal of the BMPP is not generally required for single-source NOIs for discharges to ephemeral or effluent-dependent waters or non-DWS use canals, unless requested by ADEQ. All other NOIs must be submitted with a copy of the BMPP.

For discharges to, or having the potential to reach, an MS4 or other public or privately owned storm

sewer, drainage system, canal, or conveyance, the applicant must send a copy of the NOI to the owner/operator of the conveyance at the time it is submitted to the Department.

## **Part II. B. Authorization to Discharge and Timeframes.**

The effective date of authorization to discharge, after ADEQ receives the NOI, varies partly according to the type of waterbody that receives the discharge. See the Definitions for ephemeral, effluent-dependent, intermittent, and perennial waters; non-DWS use canals, DWS use canals, Outstanding Arizona Waters, and impaired waters (Part VII of the permit).

Because of uncertainty expressed concerning the word “received,” a definition of “date received” (Part VII) specifies how this term is used and the acceptable mechanisms for delivery of an NOI or other document to ADEQ. An authorization to discharge is not, however, automatic within the timeframes specified below if a submitted NOI is materially incomplete or incorrect or if discharge(s) is/are not eligible for coverage by the permit. At any point, ADEQ may deny coverage under this permit and require submittal of an application for an individual AZPDES permit based on a review of the NOI or other relevant information.

Unless ADEQ notifies the applicant otherwise, the following timeframes apply:

- For single-source discharges to ephemeral waters, non-DWS use canals, and effluent-dependent waters, authorization takes place 5 business days after the Department receives a complete and accurate NOI. EXCEPTIONS: see below.
- For discharges to perennial waters, intermittent waters, and DWS use canals authorization takes place 30 business days after receipt of a complete and accurate NOI. EXCEPTIONS: see below.
- Areawide, Project-wide, or Facility-wide coverage for discharges is authorized 30 business days after receipt of a complete and accurate NOI for the applicable type of coverage. EXCEPTIONS: see below.
- EXCEPTIONS: the following are not authorized unless and until written approval is issued by ADEQ, and may require 30 business days or more for ADEQ review:
  - discharges requiring specific approvals (Part I.B.7);
  - discharges that will last more than 30 consecutive days;
  - discharges that may reach Indian Country lands; and
  - discharges within ¼ mile of an OAW or impaired water.

Each NOI submitted for coverage under the DMGP will be assigned a reference number which will become an Authorization Number if and when coverage is authorized by ADEQ. If approved, a discharge authorization letter will be sent to the permittee confirming coverage and specifying any conditions applicable to the discharge. NOTE: for authorizations that take place 5 business days after NOI submittal per the terms of the DMGP, the letter may be issued as a follow-up after the authorization takes effect.

### **Part II. C. Modification of Coverage.**

This section of the permit provides for minor amendments to NOIs for single-source discharges (see Item #17 in “CHANGES” section, above); and for additions to Areawide, Project-wide, and Facility-wide authorizations.

### **Part II. D. Termination of Coverage.**

The permittee must submit a complete De Minimis Notice of Termination (NOT), signed in accordance with Part V.K., within 30 days after any of the following: the subject discharges have permanently ceased; coverage has been obtained under another AZPDES permit; or responsibility for the discharge activity has been transferred. NOTs provide ADEQ with a mechanism to track the status of discharges which have been covered by the permit.

The NOT must be submitted using the form provided by ADEQ for this purpose, or a reproduction thereof, and sent to the address specified on the form. Monitoring results must be submitted with the NOT if required by Appendix A, Part B.1.a. of the permit, or by a condition in an authorization issued by ADEQ for the discharge. When a discharge with potential to reach an MS4 is terminated, the permittee must send a copy of the NOT to the MS4 operator at the time it is submitted to the Department.

**Part III. A. Notice of Intent Requirements - Deadlines for Notification.** This section of the DMGP provides the required time frames for NOI submittal under the 2009 DMGP, for discharges that are required to submit NOIs.

For ongoing discharges that were authorized under the 2004 DMGP, the first step is to make any revisions to the existing BMP Plan that may be needed to comply with Part IV.D. of the 2009 permit. This is to be completed within 90 days after the 2009 DMGP is issued, but the revised BMP Plan need not be submitted to ADEQ until a new NOI, if any, is submitted. New NOIs for ongoing discharges are due within 120 days after the 2009 DMGP is issued. A new NOI is not required if the permittee is eligible to file a Notice of Termination (NOT) and an NOT is submitted before the 120<sup>th</sup> day.

For discharges that have not been previously authorized, the applicant must submit a complete and accurate NOI far enough in advance to allow for the authorization timeframes specified in Part II.B. of the permit. (See discussion of Part II.B., above.)

**Part III. B. Contents of NOI.** This section of the DMGP lists the information that must be contained in a complete Notice of Intent.

**Part IV. Special Conditions.** Special Conditions IV in the 2009 DMGP include the following:

- A.** Requirements to prevent or minimize adverse effects on human health, the environment, or the surface water that receives the discharges; and a proviso regarding non-transferability of DMGP authorizations.
- B.** Discharge prohibitions, including those that would violate numeric or narrative surface water standards, or aquifer water quality standards. NOTE: Because the aquifer water quality standards apply to water quality in aquifers, Part IV.B.4.g. is understood to refer to violation of an AWQS in an aquifer.
- C.** The requirement for discharges to comply with the water quality limits in Appendix A of the DMGP, and for certain responses to any exceedence of action levels.

- D. Best Management Practices Plan (BMPP) requirements include prevention of erosion, scour, and sedimentation from the discharge; dechlorination where appropriate; circumstances requiring BMPP revision; appropriate signature; and accessibility and retention of the BMPP.

The section on dechlorination in the 2009 permit (Part IV.D.2.c.) has been expanded to provide clarification and guidance on this subject. All discharges must meet the applicable numeric limit for total residual chlorine (TRC) (see Appendix A, Tables A – C) at the point where the discharge enters the affected surface water. Further TRC reduction is recommended in several situations (*i.e.*, discharges to ephemeral waters or non-DWS use canals).

The 2009 permit has added flexibility regarding dechlorination methods. In addition to dissipation and chemical dechlorination, ADEQ will consider proposed alternative methods such as natural TRC attenuation via flow through an MS4. Consideration of such alternative methods would require that sufficient information is submitted to document the effectiveness of the alternative method, and that the owner/operator of any affected MS4 or conveyance has been notified of the proposed discharge.

As in the 2004 DMGP, discharges to perennial, intermittent, and effluent-dependent waters have a very low TRC limit (now 19 µg/L) based on the SWQS for those water types. As an alternative to requiring measurement of TRC to such low levels, the permit allows the BMPP to include a treatment plan that will ensure compliance. Such a plan could call for using sufficient (but not excessive) dechlorination chemicals to achieve “0” TRC.

Monitoring and Reporting Requirements. This section specifies that Appendix A of the permit (Monitoring & Reporting Program) applies to all covered discharges (except for those specified in Part I.B.6.). It also contains requirements for advance reporting of changes which may result in noncompliance with the permit; for telephone/fax reporting within 24 hours on any noncompliance which may endanger human health or the environment; and for written follow-up reporting on noncompliance. Finally, it requires the permittee to submit corrected or additional information promptly if the permittee becomes aware that the information in the NOI or any other report to ADEQ was incorrect or incomplete.

#### **Part V. Standard Permit Conditions**

Federal regulations require all AZPDES permits to contain the standard conditions specified at 40 CFR 122.41. (Provisions for bypass and upset have been removed as they are applicable mainly to treatment plants that are subject to technology based effluent limits, and are not applicable to the DMGP.) Part V. of the permit contains those conditions and certain others arising from Arizona law. They include provisions on the following, among others:

- reapplication if/when a new general permit is issued to replace the 2009 DMGP (V. B.);
- discharge authorization does not authorize any injury to private property or invasion of personal rights, nor any infringement of any existing laws or regulations (V. G.);
- inspection and entry by ADEQ representatives (V. I.);
- signatory requirements for forms and documents required by this general permit (V. K.);

#### **Part VI. Penalties for Violation of Permit Conditions**

This part advises the regulated community of the appropriate legal authorities and potential civil and criminal penalties for violation of any provision of the AZPDES statutes and rules, or of a permit or discharge limitation issued under them, including this general permit.

## **Part VII. Definitions, Acronyms, and Abbreviations**

The permit contains definitions of statutory, regulatory and other terms important for understanding the permit and its requirements (See Item #32 in "CHANGES" section, above). A list of acronyms and abbreviations has been added in the permit.

### **Appendix A: Monitoring & Reporting Program**

Appendix A, Part A., gives the requirements for discharge monitoring including flow rate / duration of flow, analytical sampling, and field sampling; photographic documentation; and record keeping applicable to most discharges. (See also Part IV.E., above.) Monitoring parameters and frequency are dependent on the source of the discharge and the waterbody that receives the discharge. The "Monitoring Requirements" sections of Tables A - D in Appendix A give minimum discharge monitoring requirements for ephemeral waters or non-DWS use canals (Table A); effluent-dependent waters (Table B); perennial or intermittent waters or DWS use canals (Table C); and OAW or impaired waters (Table D). See Items #33 through #42 in "CHANGES" section, above.

Appendix A, Part B., addresses reporting of monitoring results and retention of records. Results of all monitoring for discharges that last longer than 4 days continuously or discharge more than 0.25 million gallons in any one day must be submitted to ADEQ with the NOT, or by February 28, 2013, for areawide, facility-wide, and ongoing project-wide discharges. Records of all monitoring must be maintained for 3 years from the date of permit expiration or the date an NOT is submitted, and must be made available to ADEQ on request. The BMP Plan and a copy of the DMGP must be retained at the discharge site when actively discharging, with certain exceptions for areawide, facility-wide, and project-wide authorizations.