



# **Fact Sheet**

## **for the Issuance of**

### **Arizona Pollutant Discharge Elimination System (AZPDES)**

#### **General Permit for De Minimis Discharges to**

#### **Waters of the United States (AZG2010-001)**

#### **INTRODUCTION**

This Fact Sheet relates to the Arizona Department of Environmental Quality (ADEQ) 2010 AZPDES General Permit for De Minimis Discharges. 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 Minimis 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 Arizona Administrative Code (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.

Additional topics are addresses in the accompanying *Response to Comments* document.

#### **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.” is defined in 40 CFR122.2 and generally refers to surface waters (not ground water).

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 based on the type of waterbody receiving the discharge. 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 (DMGP Part V.P.). Application requirements for individual AZPDES permits are found at A.A.C. R18-9-B901.

#### **CHANGES from 2004 DMGP to 2010 DMGP**

Below is a summary of changes from the 2004 DMGP that appear in the 2010 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. **Additional changes made following the public comment period are listed in the accompanying “Response to Comments” document.** 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. 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. *[NOTE: This addition has been revised and moved to the Fact Sheet in the final DMGP documents. See corresponding sections in Response to Comments.]*
3. ◆ 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.
4. ◆ 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 2010 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 as part of a remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). See discussion under Part I.A. of this Fact Sheet.

5. ◆ 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.
6. ◆ 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.
7. 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. These limitations coordinate with the eligibility criteria for coverage stated in DMGP Parts I.B.4.e. and I.B.5.
8. ◆ 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 2010 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 waters of the U.S.). Types of discharge activity are listed in Part I.B. of the permit.
9. 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 is responsible and liable for compliance. See discussion of applicant requirements in Part II. A. of this Fact Sheet.
10. ◆ Part II.A.1., For discharges authorized and not terminated under the 2004 DMGP: This item references the NOI requirements detailed in Part III.A.1. as well as the other NOI provisions in Part II.A..
11. 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.
12. ◆ 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 2010 Areawide NOI forms.

13. ♦ 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 were made 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 remain eligible for “Areawide” coverage, but certain other entities are potentially 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 (not previously used) oil or gas pipelines/vessels is now potentially eligible for this type of coverage rather than Areawide coverage. As in the 2004 DMGP, discharges from testing of pipelines or vessels previously used for oil or gas are not eligible for Project-wide (formerly Areawide) coverage; single-source NOIs and specific approvals are still 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 maintenance and testing 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 are still excluded from DMGP coverage, as in the 2004 DMGP.
14. Part II.B.7., under “Authorization to Discharge and Timeframes”: A condition has been added to clarify that discharges anticipated to occur continuously for longer than 30 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 (DMGP Part VII).
15. 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.
16. ♦ 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.

17. ♦ Part III.A.1., under Notice of Intent Requirements / Deadlines for Notification: This addition gives the requirements for BMP plan (BMPP) updates and NOI submittal for discharges authorized and not terminated under the 2004 DMGP. Time allowances after issuance of the 2010 DMGP are provided (90 days for BMPP updates; 120 days for new NOIs or NOTs).
18. ♦ Part III.B.3., under Contents of NOI : There is no longer a specific requirement for *property owner information*, in cases where the property (land) owner is not the same as the facility owner. 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.
19. 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.
20. 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.
21. 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.
22. ♦ 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 BMPP.
23. ♦ 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.
24. 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.
25. ♦ 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. See discussion of Part IV.D.2.c., below, for further details.
26. ♦ 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 BMPP for every staff change.

27. ♦ 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.
28. 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.
29. ♦ Part V.K.2., under Signatory Requirements: BMPPs have been added to the items that can be signed by a duly authorized representative of the original signatory, for ease of BMPP modification if/when warranted by site conditions.
30. 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. Added or revised the following definitions for clarity:

• Arithmetic mean	• Impervious material
• Best management practices	• Intermittent water
• DWS-use canal	• Indian Country
• Cold waters	• Limit of detection
• Director	• Non-DWS use canal
• Domestic water source	• Notice of Intent
• Effluent-dependent water	• Notice of termination
• Ephemeral water	• Outstanding Arizona Water

- Parameter
- Perennial water
- Received (for NOIs)
- Single-source discharge
- Surface water
- Total Maximum Daily Load
- Water utility

31. Appendix A, Sec. A.1, Monitoring Requirements, General: 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).
32. ◆ 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.
33. 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.
34. 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 to clarify that these are part of the monitoring requirements where applicable.
35. ◆ 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.
36. ◆ 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 the 2004 permit limit of 130,000 µg/L which reflected the 2003 numeric SWQS.
37. ◆ 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.

38. 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. 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.
39. Appendices B – E (Forms) in 2004 DMGP: De Minimis forms have not been incorporated as part of the 2010 DMGP, to allow for potential future revisions for clarity of the forms and efficiency in processing. Example forms were available for review during the public participation process for the 2010 permit.

**Additional changes made following the public comment period are listed in the accompanying “Response to Comments” document.**

## **SUMMARY OF PERMIT CONDITIONS**

The “Part” numbers below refer to those in the 2010 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 waters of the U.S. 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 #30.c. in “CHANGES” section, above);
- is conducted with appropriate BMPs in accordance with Part IV.D. of the permit; and
- does not last continuously for longer 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 waters of the U.S. within State lands, the operator should check with ADEQ regarding the need for AZDPES permit coverage.

### **What discharges need coverage?**

Under A.R.S. § 49-255.01, any discharge to waters of the U.S. requires coverage under an AZPDES permit, unless excluded from permit requirements under A.A.C. R18-9-A902.G., or as part of a remedial

action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. Section 9621(e)(1)] and associated regulations [(40 CFR 300.400(e)(1))]. For eligible discharges, one of the options for obtaining coverage is via the DMGP. Certain non-stormwater discharges may be allowable under the general permits for construction or industrial stormwater. An individual AZPDES permit application is also an option, but the process of obtaining DMGP coverage is generally much simpler and quicker. Regardless of which permit option is chosen, permit coverage must be in place at the time of discharge.

Discharges made to waters of the U.S. via a Municipal Separate Storm Sewer System (MS4) or other conveyance require permit coverage. Applicants submitting NOIs for such discharges must send a copy of the NOI to the owner/operator of the MS4 or conveyance. 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 to retention basins outside of waters of the U.S. with no potential to reach waters of the U.S. do not need AZPDES coverage. 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 discharge activities (underlined), 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, hydrostatic testing, pressure releases, overflows, and 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 were 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 is still required, but the specific approval process is no longer required 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.
- Well development and maintenance and/or aquifer testing**Error! Bookmark not defined.:** discharges associated with construction, development, maintenance, or rehabilitation of non-potable water wells, wells being developed for potable use, or piezometers; and discharges 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:
  - New pipelines/vessels and reclaimed water or sewer systems: Discharges associated with hydrostatic testing of new pipelines, tanks or vessels, or components of, 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 A+ or B+ reclaimed water may be used. Occasional short-term discharges of Class A+ or B+ reclaimed water to

perennial, intermittent, or impaired waters may be allowable, subject to Specific Approval (Part I.B.7.) See limitation in Part I.C.5.

- Pipelines/vessels previously used for oil or gas: 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 A+ or B+ 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. Occasional short-term discharges of Class A+ or B+ reclaimed water to perennial, intermittent, or impaired waters may be allowable, subject to Specific Approval (Part I.B.7.) See limitation in Part I.C.5.
- “Other” (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 discharges are to ephemeral or effluent-dependent waters or non-DWS use canals :
  - Residential non-contact cooling water (such as overflow from evaporative coolers or air conditioning condensate);
  - Building and/or street wash water (where only biodegradable soaps and/or water are used, and accumulations of pollutants, if present, are physically removed prior to conducting washing activities that will result in a discharge<sup>1</sup>;
  - 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
  - Freshwater swimming pool drainage that has been dechlorinated/debrominated before release from the permittee’s premises. Such pool drainage must be visually clear, colorless, and free of suspended solids, floating material, and debris.
- Specific approvals: types of discharges that are not specifically listed for routine coverage in the DMGP, but are determined to be De Minimis and approved in writing by ADEQ.

NOTES: Coverage under the DMGP does not convey a right or privilege to utilize a municipal separate storm sewer system (MS4) or other conveyance in conducting a discharge (see DMGP Part V.G.). Any discharge made via a MS4 must be consistent with the MS4’s policies, rules, or ordinances. The MS4 operator may prohibit various types of non-stormwater discharges to the MS4.

If any discharge will occur continuously for longer than 30 days, the discharge may be covered by this permit only if written approval for the extended discharge has been granted by ADEQ in advance.

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

The 2010 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,

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<sup>1</sup> Examples: removal of loose materials (bird nests, roofing gravel) prior to building or roof washing; removal of debris prior to street washing.

well development, purging, and certain other activities (see DMGP Part I.B.3.d. and e., and Item #4 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, 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 #6 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 Outstanding Arizona Waters (OAWs) and waters with the domestic water source (DWS) designated use.
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 exceedances 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 waters of the U.S., 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 discharges that were authorized under the 2004 DMGP and have not been terminated: Part II.A.1. of the 2010 permit references the NOI requirements detailed in Part 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. Except for Areawide, Project-wide, and Facility-wide NOIs (Parts II.A.4 – A.6.), an NOI is for one type of discharge (as listed in Part I.B. of the permit) at one location of discharge to waters of the U.S.

The applicant identified in the “Applicant Certification” section of the NOI form 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. In accordance with the definition of “operator” in Part VII of the permit, the applicant will be the same as the operator or owner/operator listed on the NOI form.

Note that the applicant may be an individual or any type of organization listed in the definition of “person” (DMGP Part VII.B., per A.R.S. §49-201(27)). Part V.K. of the permit specifies signatory requirements for various types of organizations including sole proprietorships.

It is imperative that the signer of the NOI understands that the applicant/permittee 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.**

For discharges that were authorized under the 2004 DMGP and have not been terminated: DMGP Part II.B.1 references Part III.A.1 of the permit, where authorization for such discharges is administratively continued subject to certain requirements (see discussion of Part III.A. below). The remainder of Part II.B. addresses the timeframes in which 2010 DMGP coverage takes effect for various types of discharges.

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 occur continuously for longer than 30 days (extended discharges);
  - discharges that may reach Indian Country lands; and
  - discharges to or 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 addresses the timing of NOI submittal under the 2010 DMGP, for discharges that require NOIs. For discharges that were not previously authorized under the 2004 DMGP, 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.)

For discharges that were authorized under the 2004 DMGP and have not been terminated: unless ADEQ notifies the permittee to the contrary, discharge authorization remains administratively continued, subject to the following conditions (DMGP Part III.A.1.a – d). Revisions to the existing BMPP must be made, as needed, to comply with Part IV.D. of the 2010 permit within 90 days after the 2010 DMGP is issued. The revised BMPP need not be submitted to ADEQ unless/until submittal is required by DMGP Part II.A (Application for Coverage). A new NOI must be submitted within 120 days after the 2010 DMGP is issued. Alternately, if the discharges have permanently ceased, or if any other conditions of DMGP Part II.D.2 are met within the 120-day timeframe, the permittee must submit a notice of termination (NOT) in lieu of the NOI. The permittee must continue to comply with the terms and conditions of the 2004 DMGP until:

- coverage is obtained for the subject discharge(s) under the 2010 DMGP or another AZPDES permit; or
- the permittee submits a NOT for the subject discharge(s); or
- ADEQ notifies the permittee that the subject discharges are not eligible for coverage under the 2010 DMGP.

### **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 III.B.9. calls for the Arizona Department of Water Resources (ADWR) well registration number if the proposed discharge is from a well. All wells in the State of Arizona must be registered with the ADWR (A.R.S. § 45-593). For a new well, registration occurs as part of the authorization to drill. Occasionally the registration number is not known to the applicant at the time the De Minimis NOI is being prepared. In this case the applicant may indicate so on NOI, and then submit the information to ADEQ as soon as possible.

The “NOTE” following III.B.10. allows Areawide, Project-wide, or Facility-wide applicants to use Table 2 of their NOIs to summarize certain information for unspecified discharge locations such as fire hydrants and line repairs, if the affected surface water is ephemeral or a non-DWS use canal. The use of Table 2 for discharges to other surface water types is subject to ADEQ approval and to certain restrictions stated in the note.

### **Part IV. Special Conditions.** Special Conditions in the 2010 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 limitations in Appendix A of the DMGP, and for certain responses to any exceedance 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 and resubmittal; appropriate signature; and accessibility and retention of the BMPP.

The section on dechlorination in the 2010 permit (Part IV.D.2.c.) has been expanded to provide clarification 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.

For discharges to ephemeral waters: if chlorine levels potentially exceed the usual TRC range found in potable water (800 – 1,500 µg/L), ADEQ recommends that BMPs be employed to reduce TRC to such potable levels or lower prior to discharge. The numeric TRC discharge limitation of 4,000 µg/L for ephemeral waters is based on the human health designated use of partial body contact. It may not be adequately protective of the aquatic and wildlife–ephemeral designated use, for which a numeric SWQS has not been established. The 2010 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.

- E. 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 2010 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.); and
- individual or general Aquifer Protection Permit requirements for AZPDES discharges that are not exempt under A.R.S. § 49-250 (V. M.).

## **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 #30 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 (by reference to Appendix A, Tables A – D); analytical sampling; field sampling; photographic documentation; and record keeping applicable to most discharges. (See also Part IV.E., 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 0.50 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 BMPP 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.

**Appendix A, Tables A – D,** are organized according to the type(s) of waterbody that receives the discharge:

- 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).

Each table is divided into two sections:

- “Discharge Limitations and Action Levels” (pursuant to DMGP Part IV.C.). Permitted discharges must meet the Discharge Limitations in the applicable table. The listed Action Levels are triggers for the permittee to respond as described in DMGP Part IV.C. The parameters with Discharge Limitations or Action Levels are not necessarily required for monitoring for a given discharge (see explanation in each table). However, the permittee is responsible for ensuring that these limits are met and may wish to document compliance.
- “Monitoring Requirements” (pursuant to Appendix A, Part A.). The minimum monitoring parameters and frequencies are dependent on the discharge activity and the waterbody that receives the discharge. Flow rate and duration of flow are required in most cases, along with selected parameters for various types of discharge activities. Any other known “constituents of concern” (COCs) must also be monitored unless otherwise provided by the Director. An option for summary reporting is provided in a footnote to each table, for unplanned discharges or those that occur on a frequent/regular basis.