



ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM (AZPDES)

FACT SHEET

This document provides pertinent information concerning the issuance of the Arizona Pollutant Discharge Elimination System (AZPDES) stormwater permit listed below. The Arizona Department of Transportation (ADOT) is regulated under the AZPDES permitting program because it owns and operates a statewide municipal separate storm sewer system (MS4), numerous construction sites, and several industrial facilities. The conditions contained in the permit are intended to maintain the Water Quality Standards listed in Arizona Administrative Code (A.A.C.) R18-11-101 *et. seq.* The permit will be issued for a period of five years.

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AZPDES Permit No.: AZS000018-2015

TABLE of CONTENTS

| | |
|---|----|
| I. BACKGROUND | 2 |
| II. SUMMARY OF PERMIT CHANGES | 2 |
| III. SUMMARY OF PERMIT CONDITIONS | 4 |
| IV. ADMINISTRATIVE INFORMATION | 19 |
| V. ADDITIONAL INFORMATION | 19 |
| VI. REFERENCES | 19 |

I. BACKGROUND

The Water Quality Act of 1987 added Section 402(p) of the Clean Water Act, which required the U.S. Environmental Protection Agency (EPA) to develop a phased approach to regulate stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) program. EPA published the final regulations on the first phase of the NPDES stormwater program on November 16, 1990. These regulations, commonly known as the Phase I stormwater regulations, established permit application requirements for discharges from municipal separate storm sewer systems (MS4s) serving a population of 100,000 or more. The Arizona Department of Environmental Quality (ADEQ) received authorization to administer the NPDES program in Arizona on December 5, 2002. The Arizona Pollutant Discharge Elimination System (AZPDES) program, applies throughout Arizona except for Indian Country. Where there is no approved tribal program, EPA remains responsible, consistent with its trust authority for implementing and enforcing the NPDES program in Indian Country.

NOTE: subsequent references to the 'state', 'Arizona' or the scope of this permit within this Fact Sheet or the applicability of conditions in the permit refer to activities in Arizona except Indian Country.

The term "municipal separate storm sewer" is defined at 40 CFR §122.26(b)(8). MS4s include any publicly-owned conveyance or system of conveyances used for collecting and conveying stormwater that discharges to waters of the United States. Such a system may include roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains. The term "municipality" is defined at 40 CFR §122.2 and applies to ADOT as a public body that has jurisdiction over disposal of sewage, industrial wastes or other wastes. The term does not include separate storm sewers in very discrete areas, such as individual buildings. As ADOT is a large MS4, it applied for an individual MS4 stormwater permit, and EPA issued ADOT a Phase I MS4 stormwater permit on September 30, 1999. ADOT's MS4 permit was expanded and renewed on September 19, 2008 (2008 permit). That permit was one of the outcomes of a January 30, 2004 ADEQ Consent Order that addressed ADOT's non-compliance with the stormwater regulations under the Clean Water Act as well as the state's Aquifer Protection Program and drywell regulations. The 2008 stormwater permit's coverage included all stormwater discharges associated with construction, industrial and municipal activities under ADOT's control throughout the state. The 2008 permit has been administratively continued since September 18, 2013.

ADEQ's development of this permit included discussions with ADOT and EPA, and review of information, including EPA's Administrative Order on Consent (signed April 19, 2013) and the associated audit report and a review of ADOT's existing MS4 permit (AZS000018), associated fact sheet and other reference materials as appropriate, such as other MS4 permits and EPA guidance documents.

II. SUMMARY OF PERMIT CHANGES

A. Renewal Permit is no longer a hybrid

The 2008 permit was a "hybrid" permit, inasmuch as it combined the requirements of a municipal separate storm sewer system (MS4), stormwater construction general permitting for its highway construction activities and industrial stormwater permitting.

The 2015 permit's scope is reduced from that of the 2008 permit. The 2015 permit covers stormwater discharges associated only with "municipal activities." Stormwater discharges associated with construction and industrial activities must be covered by the ADEQ's Stormwater Construction General Permit (CGP) and Multi-Sector General Permit, respectively.

Beginning with the 2015 permit, ADOT must obtain coverage for stormwater discharges associated with specific construction or industrial activities under the construction and multi-sector general permits, respectively. As it did under the 2008 permit, ADOT continues to assign the highway construction work performed on behalf of the agency to outside contractors. ADOT's

responsibilities under the new permit include ensuring that work done by outside contractors on their behalf complies with the AZPDES program of the Clean Water Act. ADOT's contractors are required to obtain coverage under, and comply with, the AZPDES construction general permit when working on any ADOT-sponsored highway construction project.

Hence, the 2015 permit reverts to purely an MS4 permit. Upon issuance of the 2015 permit, both ADOT and its highway construction contractors must meet the same requirements for erosion control, sediment control, and pollution prevention control. ADOT's Grand Canyon National Park Airport, Durango Sign Shop and all material sources must now be covered separately under the MSGP. These changes are necessary so that coverage for these stormwater discharges remains current with conditions in the respective general permits, which have five year cycles that, if left unchanged, might not overlap the new MS4 permit by more than a couple of years.

B. EPA Audit and Administrative Order on Consent

In October 2010, the U.S. Environmental Protection Agency, Region 9 (EPA), conducted an audit of ADOT's MS4 Program. The audit's purpose was to assess compliance with ADOT's 2008 AZPDES permit and to evaluate ADOT's implementation of its Stormwater Management Program (SWMP). EPA evaluated four ADOT Districts: Phoenix, Flagstaff, Tucson and Prescott. EPA's program audit report identified program deficiencies and potential permit violations. The Executive Summary itemized following as the most significant potential permit violations:

- ADOT had not fully implemented its Employee Stormwater Training Program;
- ADOT had not conducted dry-weather outfall screening of its 71 major MS4 outfalls;
- ADOT had not implemented an adequate illicit connection and illicit discharge detection and elimination program;
- ADOT had not conducted inspections of post-construction BMPs and had not implemented a system to inspect and track conditions of its MS4 system; and
- Inspections of ADOT facilities and construction sites revealed common housekeeping deficiencies, including improperly installed BMPs, inadequate containment of pollutant sources and uncertified or outdated Storm Water Pollution Prevention Plans.

Subsequently, on April 19, 2013, ADOT and EPA entered into an Administrative Order on Consent (AOC) to address the potential violations and program deficiencies identified in the audit conducted by U.S. EPA. Compliance with the AOC was subdivided into two tasks, with three deliverables or Compliance Reports.

Task I dealt chiefly with: 1) completing the mapping of AOC-defined outfalls in Globe, Holbrook and Phoenix; 2) developing an inventory of its post-construction BMPs, as required by the 2008 MS4 permit; 3) completing the required mapping, inspection and maintenance of post-construction BMPs in Globe, Holbrook and Phoenix; and 4) completing dry weather screening of all Task I AOC outfalls.

Tasks II dealt chiefly with: 1) completing the mapping of AOC-defined outfalls in Prescott, Safford and Tucson; 2) completing the required mapping, inspection and maintenance of post-construction BMPs in Prescott, Safford and Tucson; and 3) completing dry weather screening of all Task II AOC outfalls. The AOC describes in detail the various sub-tasks and definitions of terms used.

ADOT satisfactorily complied with the conditions of the AOC and on August 14, 2014, EPA issued formal notification that the AOC was terminated.

This permit builds on the completion of the basic requirements of the AOC and continues the development of ADOT's stormwater management program, especially in the areas of illicit discharge detection and elimination and the mapping of outfalls statewide.

C. Retrofit Language to Encourage Addressing Runoff from the Previously-Built Environment.

USEPA commented that ADOT's permit should include a retrofit plan to assess previously constructed areas (*i.e.*, existing developed highways) where retrofitting would be appropriate and that will result in increased water quality protection and restoration. This permit establishes a timeframe of 24 months for ADOT to develop a retrofit program to include an inventory of retrofit locations and a ranking and prioritization scheme for that program. See Part 8.2.4 of the permit.

III. SUMMARY OF PERMIT CONDITIONS

A. Part 1 – Authorization

1. Authorized Discharges. The 2015 permit only authorizes stormwater discharges from ADOT's storm sewer system, certain non-stormwater discharges (with restrictions and only those listed in Table 1.1 of the permit) and discharges from their maintenance facilities to the MS4 and to waters of the U.S.
2. Limits of Coverage. The 2015 permit authorizes stormwater discharges to waters of the U.S. from all outfalls within ADOT's storm sewer system and stormwater associated with their maintenance facilities. Additionally, in order to control the discharge of pollutants from the system, ADOT also has responsibilities to control or prohibit non-stormwater discharges to their storm sewer system, except for those conditionally authorized in Part 1.3 of the permit. The prohibition does not extend to discharges not regulated by the Clean Water Act that are beyond the scope of this permit, such as agricultural return flows.
 - a. Outstanding Arizona Waters. The permit includes specific conditions to protect outstanding Arizona waters (OAW) within the State of Arizona. An OAW is a surface water that has been identified by ADEQ as an outstanding water resource in accordance with A.A.C. R18-11-112. Non-stormwater discharges that have the potential to reach an OAW are not allowed under this permit. When the conditions of this permit are complied with, ADEQ expects that there will be no dry weather discharges to OAWs.
 - b. Impaired Waters. The permit includes specific conditions to protect impaired surface waters within the State of Arizona. An 'impaired water' is a surface water that has been assessed as not attaining a water quality standard for at least one designated use. Impaired waters are listed in Arizona's 303(d) and not attaining waters listed in the 305(b) Assessment Report are available at www.azdeq.gov/environ/water/assessment/assess.html.

The list includes both impaired and not attaining waters. A 'not attaining water' is a surface water that is assessed as impaired, but is not placed on the 303(d) List because:

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

ADEQ must provide an updated list of impaired waters to EPA for approval in each even-numbered year. At the time of permit issuance, the 2010 list is in place, and the permit conditions reference the 2010 list.

The permit also prohibits any non-stormwater discharges that may reach an impaired water from being discharged under this permit.

- c. Maintenance Facilities. Although descriptions of the maintenance facilities do not fit any of the SIC codes covered by the MSGP, their coverage under this permit is required because they are a source of stormwater pollution.

3. Non-stormwater Discharges. This permit only allows those non-stormwater discharges that are listed in Table 1.1 or are authorized under a separate AZPDES permit such as the De Minimis General Permit, or an individual permit. Discharges authorized under a separate AZPDES permit may co-mingle with ADOT's stormwater discharge.

Identifying potential pollutant sources in stormwater should not be confused with non-stormwater discharges. It is important to understand the distinction between non-stormwater discharges and potential pollutant sources. Pollutant-generating activities ("potential pollutant sources") are not the same as a stormwater discharge. All permittees in the stormwater program are required to list and describe all the pollutant-generating activities (i.e., potential pollutant sources) *that may be picked up by and discharged with stormwater* from their sites. A description of potential pollution sources within ADOT's MS4 culminates in a narrative assessment of the potential risk that sources of pollution may pose to stormwater quality. ADOT must do this for each pollutant-generating activity; i.e., an inventory of pollutants or pollutant constituents associated with that activity that could be exposed to rainfall, or snowmelt, and could be discharged from its MS4 or maintenance facilities. Once the risk assessment is completed, ADOT can determine the appropriate control measures to implement to keep these pollutants out of its stormwater discharges.

For instance, a potential pollutant source of oil would be traffic, maintenance and fueling activities, leaks and spills, etc. Other examples of potential pollutant sources include pesticide/fertilizer applications, previous spill sites, sand/salt storage piles, etc. On the other hand, non-stormwater discharges are waste waters or wash waters that leave the site and flow to the street, a storm sewer system, or directly enter a water of the U.S. Although these discharges are not a result of storm event runoff, they nevertheless contain pollutants.

Uncontaminated groundwater infiltration is an allowable non-stormwater discharge (see Table 1-1, (I)). Infiltration is defined as water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. In general, except for uncontaminated groundwater, infiltration sources should be discovered and controlled or eliminated during an illicit discharge investigation.

The permit also requires all non-stormwater discharges to be eliminated whenever possible as the first and most effective control measure. However, when elimination is not feasible, the non-stormwater discharges that are specifically allowed under this permit must be controlled by ADOT through the implementation of control measures that will significantly reduce the discharge of pollutants. Illicit discharges (i.e. all other unauthorized non-stormwater discharges) are prohibited and must be investigated upon detection and eliminated to the extent of ADOT's legal authority. Specific permit conditions addressing illicit discharges are addressed in Part 6 of the permit.

The following are specific non-stormwater discharges or practices that are not included in the Table 1.1 list of authorized non-stormwater discharges. The 2015 permit prohibits the discharge of the following wastewaters:

| Non-stormwater Discharge | Reason for Exclusion from Table 1.1 |
|--|--|
| Vehicle and equipment washing | This activity is covered under the Aquifer Protection Program (APP). The APP general permit provisions for vehicle and equipment washing require containment of these wastewaters instead of discharge. |
| Street (pavement) wash water | ADEQ views this discharge as a potentially significant source of pollutants. This activity is addressed in Part 8.1 – Storm Sewer System and Highway Maintenance. |
| Concrete wash-out water | These wastewaters are regulated in the Aquifer Protection program, and addressed in A.A.C. R-18-9-B301(L) which requires freeboard to prevent discharges to surface waters. |
| Steel wheel roller water | ADEQ views this discharge as a potentially significant source of pollutants and as such is not eligible for inclusion on Table 1.1. |
| Asphalt cooling water | ADEQ views this discharge as a potentially significant source of pollutants and as such is not eligible for inclusion on Table 1.1. |
| Effluent or other wastewaters used for dust control or compacting soil | ADEQ encourages the use of reclaimed waters for dust control, compaction and irrigation uses; however, these are to be managed in a way to prevent discharge. This permit and the reuse rules (A.A.C 18-9-704(G)(3)) both prohibit allowing runoff of reclaimed water (i.e. effluent) or mixing with stormwater. |
| Hydroseeding | This activity is not expected to result in a non-stormwater discharge. |
| Agriculture return flow | This discharge is not regulated under the Clean Water Act; as such it is neither permitted nor prohibited under this permit. |

B. Part 2 – Protection of Water Quality and Compliance with Arizona Water Quality Standards

1. Protection of Water Quality from MS4 Discharges

Arizona Surface Water Quality Standards (WQS) that apply to the surface waters receiving discharges from ADOT are specified in A.A.C. Title 18, Chapter 11, Article 1. Additionally, there is a prohibition on non-stormwater discharges if there is a potential to reach an impaired water or Outstanding Arizona Water.

ADOT is required to protect water quality by implementing controls and BMPs to reduce to the maximum extent practicable, pollutant discharges from the MS4 system that may cause or contribute to an exceedance of any applicable water quality standard. To protect water quality, ADOT must fully implement the requirements of the SWMP and all other requirements of this permit. ADOT must also modify the SWMP during the life of the permit as necessary to improve the effectiveness of the program in reducing the discharge of pollutants from the MS4, with a goal towards attaining surface water quality standards.

2. Total Maximum Daily Loads (TMDLs)

If ADOT discharges into any waterbody that has a completed TMDL, those discharges must conform to the TMDL documents if they address any activities that ADOT is conducting or pollutants that ADOT may release. If the TMDL documents are non-specific, ADOT is to address pollutants of concern for which the waterbody is impaired and employ BMPs to minimize those pollutants in the appropriate stormwater pollution prevention documents.

ADOT will be required to meet surface water quality standards for *E.coli* in its MS4 discharges to the reaches of Oak Creek and the San Pedro River where waste load allocations are assigned in those respective TMDLs. In addition, Granite Creek and Watson Lake have TMDLs pending. When the TMDLs are implemented, ADOT's permit may be amended to require that surface water quality standards be met for *E.coli* in the Granite Creek TMDL and phosphorus and total nitrogen in the Watson Lake TMDL.

In watersheds with a TMDL, where ADOT is not assigned a waste load allocation, ADOT's stormwater discharges must meet surface water quality standards.

The most recent approved and draft 305(b) Assessment and 303(d) Listing Report is available on ADEQ's website at <http://www.azdeq.gov/environ/water/assessment/assess.html>. Current status of TMDLs is available at <http://www.azdeq.gov/environ/water/assessment/tmdl.html>.

3. Antidegradation

Antidegradation rules have been established under A.A.C. R18-11-107 to ensure that existing surface water quality is maintained and protected. The antidegradation provisions require ADEQ to determine in the permitting process whether discharges under a proposed AZPDES permit will significantly degrade surface water quality. This permit requires ADOT to implement and maintain stormwater and non-stormwater BMPs that minimize the discharge of pollutants from the MS4 system to the MEP. The permit also contains discharge limitations and SWMP requirements to minimize the discharge of pollutants to receiving waters. Monitoring conditions are specified in this permit to characterize stormwater quality, assess impacts of stormwater on water quality, evaluate the effectiveness of specific BMPs in minimizing the discharge of pollutants, and to estimate pollutant loads to receiving waters. As long as ADOT maintains compliance with the provisions of this permit, the designated uses of the receiving waters will be presumed protected, and the antidegradation requirements under A.A.C. R18-11-107.C will be met.

C. Part 3 – Legal Authority

EPA's Audit identified a program deficiency with enforcement of applicable construction project requirements.

Conditions for ADOT to establish the legal authority to carry out the permit requirements are specified in Part 3 of the permit. The permit requires ADOT to establish and otherwise maintain the legal authority to carry out the terms and conditions of this permit to control the release of pollutants to, and the discharge of pollutants from, the storm sewer system, to the extent allowable under State law.

Adequate legal authority is required to implement and enforce most parts of any MS4 SWMP. (See 40 CFR 122.26(d)(2)(i) and 40 CFR 122.34(b)(3)(ii)(B), (b)(4)(ii)(A), and (b)(5)(ii)(B)). Without adequate legal authority ADOT could not perform many vital SWMP functions such as performing inspections, allowing discharges to its MS4 via encroachment permits (including control measures to connect to ADOT's MS4), prohibiting illicit discharges and develop interagency agreements. In addition, ADOT would not be able to penalize and/or recover remediation costs from violators.

A major difference between a traditional MS4 and ADOT is the scope of their legal authority. Non-traditional MS4s (such as a DOT, military base, or university) cannot pass “ordinances” nor do they have enforcement authority like a typical municipality. Therefore, ADOT must rely upon the attorney general’s office of the state of Arizona for enforcement against violators, including, when necessary, imposition of monetary penalties. Nevertheless, ADOT must have the legal authority to develop, implement, and enforce the stormwater program. ADOT does this through the contracts they require of highway construction operators. Those contracts include specific stormwater requirements that ensure the stormwater permit’s requirements are met. Another component is the issuance of encroachment permits.

ADOT must have an established, escalating enforcement policy that clearly describes the action to be taken for common violations. The policy must describe the procedures to ensure compliance with local ordinances and standards, including the sanctions and enforcement mechanisms that will be used to ensure compliance (see 40 CFR 122.26(d)(2)(i)). ADOT’s authority is critical in this area in order to initiate a range of enforcement actions to address the variability and severity of noncompliance. Enforcement responses to individual violations must consider criteria such as magnitude and duration of the violation, effect of the violation on the receiving water, compliance history of the operator, and good faith of the operator in compliance efforts. Particularly for construction sites, enforcement actions must be timely in order to be effective.

The audit also revealed that ADOT has an additional enforcement option at its disposal, referred to as the SWPPP Directive Order, which establishes required corrective actions, deadlines, and documentation. At the time of the Audit, the SWPPP Directive Order had not been incorporated into ADOT’s Stormwater ERP as an enforcement option. This document should become a part of ADOT’s enforcement tools when complying with the enhanced legal authority language in the 2015 permit. Without the SWPPP Directive Order, ADOT’s Stormwater ERP may not allow for sufficient consequences to ensure compliance.

D. Part 4 – Stormwater Management Program / Plan (SWMP)

CWA § 402(p)(3)(B)(iii) requires that a municipal permit require controls to reduce the discharge of pollutants to the “maximum extent practicable” (MEP), including management practices, control techniques and system design, and engineering methods, and other provisions that ADEQ determines appropriate for the control of such pollutants.

The approach to managing stormwater discharges from a storm sewer system is described in a stormwater management program, or SWMP. ADOT complies with MEP through implementation of its SWMP, a comprehensive document that describes a program for controlling pollutants in stormwater runoff from the storm sewer system in conjunction with the permit. It describes ADOT’s program management framework, legal authority, intergovernmental coordination, fiscal and organizational resources, roles and responsibilities, control measures, and measurable goals. The term SWMP may refer to the written document or the implemented program. (See 40 CFR 122.26(d)(2)(iv), 122.34(a)).

Conditions for developing and implementing the SWMP are specified in Part 4 of the permit. Subsequent parts of the permit (Parts 5 through 13) discuss details of individual components of the SWMP. The primary goal of this permit is to minimize the releases to, and the pollutants in discharges from, ADOT’s storm sewer system to the maximum extent practicable.

Components of the SWMP

- Description of ADOT’s legal authority necessary to implement and enforce the requirements of this permit
- Written procedures that describe the following best management practices:
 - Stormwater Monitoring Guidance
 - Dry Weather Field Screening

- Erosion & pollution control (erosion, sediment, and waste control)
- Construction & Post- Construction BMPs
- Maintenance & facilities best management practices
- Winter Storm Policies
- Public education and outreach
- Employee training
- Public involvement/ participation
- Illicit discharge detection and elimination
- Construction site stormwater pollution prevention and post-construction stormwater pollution control measures
- Roadway maintenance standards and control measures
- Facility management
- Monitoring and standards for activities within 1/4 mile of impaired or OAWs

Submittal of Revised SWMP

ADOT is required to modify the current SWMP as necessary to comply with the provisions of this permit. The updated SWMP must be submitted to ADEQ within 12 months of effective date of the permit. The updated and approved SWMP will replace the current SWMP.

This permit also requires ADOT to provide an updated SWMP with the fourth year Annual Report for review during permit renewal. This program update is necessary because the SWMP contains inventories of outfalls, industrial facilities, and other information that may change throughout the permit term.

SWMP Modification

The 2015 permit requires ADOT to continue to implement and maintain a SWMP to limit the release of pollutants to and discharge of pollutants from the storm sewer system to the maximum extent practicable. ADOT is required to modify the SWMP as necessary to improve the effectiveness of the program in reducing the release of pollutants to and the discharge of pollutants from the storm sewer system.

The SWMP is intended to be a functioning document for ADOT's continual use and update to improve ADOT's effectiveness at reducing the discharge of pollutants from its MS4 to waters of the US. Minor changes and adjustments to the various SWMP elements are expected and may be necessary to comply with the requirements of this permit. These changes do not require permit modifications (see 40 CFR §122.6). Part 3.1.4 of the permit describes procedures to be used to perform additions and minor changes to the SWMP. Modifications to add new practices or controls to the SWMP or to increase the amount, frequency or other quantity of an existing practice may be implemented at any time and must be described in the Annual Report.

The permit does not allow ADOT to remove elements in the SWMP that are required through permit conditions or regulatory requirements. Any modification to discontinue an existing practice or control, or decrease a minimum requirement, including an amount, frequency, time frame, or any other permit requirement may not be implemented without modification of the permit. Such changes require a request for permit modification, accompanied by a demonstration of how the SWMP will continue to achieve an equivalent or improvement in pollutant reduction(s).

E. Part 5 – Mapping the MS4

Tracing the origin of a suspected illicit discharge or connection requires an up-to-date map of the storm drain system. Mapping is critical in order to isolate the potential source of the non-stormwater discharges and the areas of potential impact. Ideally, the information should be

available as a geographic information system (GIS) layer in a geo-locational database; however, paper maps are sufficient provided that they have the necessary reference information.

The permit requires ADOT to comply with the mapping schedule in Part 5.2, which must be completed by the end of the permit term. ADOT must include an updated map with each Annual Report that documents progress with the mapping project. Part 5.2 also provides the required information for the mapped outfalls.

Part 5.3 of the permit directs ADOT to develop a proposal to include with the fourth year Annual Report, to identify and map all remaining outfalls statewide. ADOT's proposal must prioritize the remaining unmapped areas for completion in a phased approach within the next three 5-year permit terms.

Finding 19.a.i. of the AOC stated that ADOT had not completed mapping of its 71 major outfalls (Task I). Part 5.2 builds on that task by requiring ADOT to complete storm sewer system inventory and outfall mapping by the end of the permit term.

F. Part 6 – Illicit Discharge/Illegal Dumping Detection and Elimination Measures

1. Illicit Discharges – This permit includes practices to minimize, detect, investigate, and eliminate illicit discharges in a timely manner. Two categories of municipal outfalls are of interest in the AZPDES stormwater program. A major outfall is defined at 40 CFR 122.26(b)(5) as “a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent...”. The more generic term “outfalls” includes all other outfalls regardless of size.

NOTE: Outfalls do not include cross-drain structures or culverts installed under a road that function only to maintain the natural flow of surface waters and drainage. However, a structure that collects or diverts drainage that has contacted the road surfaces for discharge into a waterbody is considered an outfall under this permit.

Illicit discharges are defined in the permit. Discharges from emergency firefighting activities and exempt agricultural return flows are not considered to be illicit discharges under this permit.

2. Dry Weather Monitoring and Field Screening – The permit requires ADOT to implement a dry weather field screening program (Part 6.3). ADOT must screen outfalls during dry weather and, if flow or ponded water is observed, collect a sample for field screening and analytical monitoring.

Visually screening outfalls during dry weather and conducting field tests, where flow is occurring, of selected chemical parameters as indicators of the discharge source will assist ADOT in determining the source of illicit discharges. For example, the presence of surfactants is an indicator that sewage could be present in the discharge (e.g., soaps being discharged into sewer system as an indicator that wastewater is being discharged). Specific conductivity, fluoride and/or hardness concentration, ammonia and/or potassium concentration, surfactant and/or fluorescence concentration, chlorine concentration, pH, and other chemicals may similarly be indicative of industrial sources.

The permit requires the permittee to develop benchmarks for dry weather screening and analytical monitoring results. An exceedance of the benchmark concentration level indicates the need to conduct a follow-up investigation. The results will help the permittee narrow down the possible sources causing the benchmark to be exceeded so that they can then be eliminated. This is a common protocol to trigger additional monitoring and/or implementation of BMPs at stormwater discharges (e.g. MSGP has sector-specific benchmark monitoring requirements).

3. IDDE Source Investigation and Elimination – CWA § 402(p)(3)(B)(ii) requires MS4 permits to “effectively prohibit non-stormwater discharges into the storm sewers.” The permit implements this requirement, in part by requiring the development of procedures to investigate and eliminate illicit discharges. ADOT must develop clear, step-by-step procedures for conducting the investigation of illicit discharges. The procedures must include an investigation protocol that

clearly defines what constitutes an illicit discharge “case” and when a case is considered “closed.” In many circumstances, sources of intermittent, illicit discharges may be difficult to locate, and these cases may remain unresolved. The permit requires that each case be conducted in accordance with the SOPs developed to locate the source and conclude the investigation, after which the case may be considered closed. A standard operating procedure (SOP) document is required in order to provide investigators with guidance and any necessary forms to ensure that consistent investigations occur for every illicit discharge incident.

Physical observations and field testing can help narrow the identification of potential sources of a non-stormwater discharge; however it is unlikely that either will pinpoint the exact source. Therefore, the permittee will need to perform investigations “upstream” to identify illicit connections to systems with identified problem outfalls.

Once the source of the non-stormwater discharge is determined through investigation, corrective action is required to eliminate the problem source. Resulting enforcement actions must follow the SWMP enforcement response plan. The permittee may conduct remediation activities on its own, in which case the permittee must require compensation for any and all costs related to eliminating the non-stormwater discharge. Non-traditional MS4 permittees may be limited in their ability to seek recovery.

4. **Responding to Spills** – This provision serves to implement, in part, the statutory requirement that MS4 permits effectively prohibit non-stormwater discharges. Spills, leaks, sanitary sewer overflows, and illicit dumping or discharges can introduce a range of stormwater pollutants into the storm system. Prompt response to these occurrences is the best way to prevent or reduce negative impacts to waterbodies. The permittee must develop a spill response SOP that includes an investigation procedure similar to or in conjunction with the investigation SOP developed for illicit discharges in general (see Section 3.5). Often, a different entity might be responsible for spill response in a community (i.e. fire department), therefore, it is imperative that adequate communication exists between stormwater and spill response staff to ensure that spills are documented and investigated in a timely manner.

A stormwater hotline can be used to help permittees become aware of and mitigate spills or dumping incidents. Any spill could cover a broad range of incidents, including an overturned gasoline tanker, sediment leaving a construction site, or a sanitary sewer overflow entering a storm drain. ADOT has a hotline consisting of any of the following (or combination thereof): a dedicated or non-dedicated phone line, E-mail address, or website.

Where conditions exist that may result in a discharge to ADOT’s storm sewer system and waters of the U.S., ADOT shall prioritize corrective actions to protect water quality. ADOT shall continue compliance with Arizona Hazardous Materials Response and Recovery Plan for ADOT’s Emergency Response Program. Information about this program is available at <http://www.dem.azdema.gov/preparedness/planning/serrp.html> .

G. Part 7 – Stormwater Management of Discharges Associated with Construction Activity

ADOT’s *construction activities* are no longer covered by the new MS4 permit, but the permit still requires ADOT to *manage* its stormwater discharges associated with construction. ADEQ made this change in order to harmonize the requirements of construction permit coverage for both ADOT and its construction contractors. Under the 2008 MS4 permit, ADOT was covered by language derived chiefly from Arizona’s 2008 CGP. Contractors were required to obtain coverage separately under the 2008 CGP. When ADEQ issued its new CGP 2013, a additional gap was created in the requirements ADOT had to follow (still under the 2008 MS4 permit) versus ADOT’s contractors, who are now required to obtain coverage under the 2013 CGP. With issuance of the 2015 MS4 permit, the CGP requirements for ADOT and its contractors will be the same.

1. **Applicability and ADOT’s Responsibilities under this Permit (Parts 7.1 – 7.4)** – ADOT must require its construction site operators under contract at highway construction and

maintenance sites to meet the stormwater requirements of the AZPDES construction general permit (CGP) (*i.e.*, erosion control, sediment control, and pollution prevention control).

EPA's Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category (74 FR 62996, December 1, 2009 and 40 CFR Part 450) require construction site owners and operators to implement a range of erosion and sediment control measures and pollution prevention practices to control pollutants in discharges from construction sites. These standards are required in ADEQ's 2013 CGP. These standards are broadly applicable to all construction activity disturbing one or more acres. They provide an objective means of describing: 1) appropriate erosion and sediment controls (best management practices); 2) pollution prevention controls on construction site waste and storage of building materials; and 3) other reasonable components of a permittee's program to reduce pollutants to the maximum extent practicable in stormwater from construction sites that discharge through ADOT's MS4.

Two types of construction activity occur within the ADOT MS4: ADOT as an operator and permitted third-party encroachments. Unpermitted discharges from construction-related activities that encroach onto the ADOT MS4 should be treated as illicit discharges. As with any illicit discharge, ADOT's responsibilities for this kind of discharge from construction-related activity are described in Part 6 of the permit.

As a construction operator, ADOT must obtain coverage under the CGP for each project, and as an MS4 operator ADOT must maintain its oversight of third-party operators performing highway construction projects under ADOT contract. This means that ADOT must report non-filers to ADEQ. This helps ensure that construction operators performing under an ADOT contract are complying with the same stormwater regulatory requirements as ADOT.

2. Post-Construction and Measures to Control Pollutants from New Development and Redevelopment (Part 7.5) – Post-construction controls are necessary because runoff from developed areas has been shown to significantly affect receiving water bodies. Many studies indicate that prior planning and design for the reduction of pollutants in post-construction stormwater discharges is the most cost-effective approach to stormwater quality management. A variety of relatively low cost post-construction controls can be employed to reduce pollutants: bioretention structures, vegetative filter strips, infiltration structures, retention basins, and wetlands are some examples.

For the purposes of this permit, post-construction stormwater pollution control measures must be designed to reduce the discharge of pollutants to the maximum extent practicable. These control measures include, but are not limited to: manufactured treatment devices; bioretention structures; filtration structures; infiltration basins; infiltration trenches; retention and detention basins; and constructed wetlands. ADOT must describe the program in the SWMP and must include the control measures.

Part 7.5.3 requires ADOT to maintain an inventory of post-construction stormwater pollution control measures and provide an update in each Annual Report. The prescribed elements to this inventory are:

- i. Develop and maintain an inventory of its post-construction stormwater pollution control measures BMPs as defined in Part 7.5;
- ii. The inventory should categorize the post-construction stormwater pollution control measures by type and location.
- iii. ADOT must submit the initial inventory of stormwater retention/detention basins, constructed wetlands for water quality purposes, media filtration systems, oil/water separators, and other major post-construction stormwater pollution control measures statewide to ADEQ not later than 24 months after the effective date of the permit.

H. Part 8 – Measures to Control Discharges from Roadways

Storm Sewer System and Highway Maintenance – Retrofit Plan

U.S. EPA intends that stormwater individual permit require that water quality be considered when designing flood management projects, and that existing structural flood control devices are evaluated to determine if retrofitting the device to remove/ reduce pollutants from stormwater as necessary and practicable. The focus of stormwater management in the past was to control flooding and mitigate property damage, with less emphasis on water quality protection. These structures may handle a significant amount of stormwater and therefore offer an opportunity to include water quality features by modifying their design for less than the cost of building new controls. The state's waters cannot be protected without also addressing degradation caused by stormwater discharges from existing roadways. For this reason stormwater programs must include substantive retrofit provisions.

This requirement applies not only to new flood control projects, but also to existing structures.

The permit directs ADOT to develop a transportation-specific retrofit program that will assess the areas where retrofitting is appropriate and that will result in increased water quality protection and restoration.

It is possible and reasonable to significantly improve water quality in many urban receiving waters. This requires more than just a new development/ redevelopment program, which is not designed to improve stormwater water quality over time. To actually improve the quality of receiving waters it is necessary to mitigate discharges from existing developed sites, which generally means implementing control measures by retrofit at existing roadway structures to retain most stormwater on site.

In addition, research indicates that most streambank restoration projects that actively stabilize eroding channels should not be implemented concurrently with the implementation of the retrofits. These projects should occur after the hydrologic retrofits that restore the hydrologic regime have been completed.

Municipal roadway projects, such as traffic calming sites, could also include stormwater retrofit components, such as curb bump outs that include bioretention features, rain gardens, and curb cuts.

Information on retrofit options and the development of a retrofit plan can be found in the Center for Watershed Protection's guidance on Urban Stormwater Retrofit Practices (available at www.cwp.org as Manual No. 3 under the Urban Subwatershed Restoration Manual Series).

I. Part 9 – Training

As stated in the permit, the goal of this program is to *reduce* or *eliminate* behaviors and practices that cause or contribute to adverse impacts to stormwater quality. During the previous permit term ADOT redesigned its stormwater training to incorporate stormwater training for appropriate staff (job responsibilities include stormwater duties). The current permit language is re-written such that ADOT has the flexibility it needs to incorporate appropriate stormwater training into any job-specific training program.

Documentation requirements for the SWMP and the Annual Report remain unchanged from the previous permit.

1. Training for ADOT Employees (Part 9.1) – This section is reorganized to include training on illicit discharges and illegal dumping, non-stormwater discharges, construction site inspections, new construction and land disturbances, new development and significant redevelopment, storm sewer system and highway maintenance, good housekeeping and material management practices (good housekeeping).

To satisfy the general requirement of maximum extent practicable, the permit still requires ADOT to ensure its employees receive an initial training within 12 months of the effective date of this permit and again every three years thereafter, or whenever a new employee is hired, or job responsibilities change to newly address stormwater concerns. For ease of reference, all training requirements are described in this section of the permit.

2. Training and Certification for ADOT Construction Contractors (Part 9.2) – Training is also required of all construction contractors on the erosion and sediment control measure requirements in the AZPDES Construction General Permit, and the inspection and maintenance requirements of these controls. This requirement remains unchanged, even though ADOT and its contractors are now required to obtain coverage under the 2013 CGP.

J. Part 10 – Public Outreach and Education / Public Involvement and Participation

Part 10 sets forth the public outreach and education goals ADOT must achieve. This measure addresses the three major areas an MS4 must address in its public education/ public involvement program: public education and outreach, public participation and involvement, and intra- and inter-governmental coordination. As with employee/ contractor training, the goal is to *reduce* or *eliminate* behaviors and practices that cause or contribute to adverse impacts to stormwater quality.

1. Public Education/ Outreach – The purpose of this program is to educate the public about changing behaviors and practices that can adversely impact stormwater quality.
2. Public Involvement/ Participation – ADOT administers a litter hotline as a member of Arizona Clean & Beautiful. This hotline increases awareness in the general public and notifies offenders that littering is against the law, thereby satisfying a portion of the public involvement participation requirements of the permit.

ADOT implements an Adopt-a-Highway program involving the public in roadside cleanup activities. This permit requires ADOT to educate the public participating in this program on how roadside cleanup benefits stormwater quality.

The permit also requires ADOT to implement additional BMPs to satisfy the maximum extent practicable requirement, including a process for recording and considering public comments on ADOT's SWMP. Additionally, the permit requires ADOT to implement a reporting system to facilitate and track public reports of spills, discharges, and dumping to its storm sewer system or receiving waters.

3. Intra-Governmental Coordination – ADOT is a large state agency with nine Engineering Districts across the state, which makes communication with all staff involved in stormwater management challenging. The permit requires ADOT to establish and ensure coordination within the department.

K. Part 11 – Stormwater Discharges from ADOT Facilities and Activities

Part 11 of the permit addresses ADOT's maintenance facilities. ADOT must either develop, or update the existing Stormwater Pollution Prevention Plan (SWPPP) documents. The requirements for these SWPPPs are similar to the minimum requirements for industrial facility SWPPPs.

The 2008 permit only required ADOT to write and implement SWPPPs for 19 maintenance yards, including those located: in Phase I and Phase II compliance areas; within 1/4 mile of OAWs, impaired or not attaining waters.

However, ADOT has either written SWPPPs or is in the process of developing facility pollution prevention plans (FPPPs) for all of its facilities. The FPPPs are broader in scope, but the permit requires that they must include, at a minimum, a stormwater pollution prevention plan, pollution prevention measures, good housekeeping, a corrective action plan, a comprehensive inspection frequency of at least once per year and more frequent routine inspections (Part 11.3).

The permit requires that ADOT must install BMPs to prevent pollutants from discharging in stormwater from all maintenance yards and facilities. ADOT's administrative complexes and rest areas are excluded from permit requirements. The Audit noted that good housekeeping practices were not adequately implemented in the maintenance areas inspected by USEPA. This permit requires ADOT to describe in the SWMP and implement BMPs that prevent or minimize contamination of stormwater runoff where vehicle and equipment are stored and maintained and from material storage areas. For vehicles and equipment, good housekeeping practices and BMPs, or alternatives that provide equivalent protection include, but are not limited to:

- 1) Confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to designated areas and use drip pans and/ or absorbents under or around leaky vehicles and equipment whenever feasible;
- 2) Store vehicles and equipment indoors and perform maintenance activities indoors whenever practicable;
- 3) Roof or cover storage areas whenever practicable;
- 4) Install berms, dikes or other appropriate control measures around the designated areas;
- 5) Drain fluids from all parts prior to disposal;
- 6) Clean pavement surfaces to remove oil and grease. Use dry cleanup methods (e.g., absorbents). Prohibit wet clean up practices if these practices would result in the discharge of pollutants to stormwater drainage systems. If water is used, capture and properly dispose of the cleaning water; and
- 7) Treat, recycle, or properly dispose of collected stormwater runoff and minimize run-on/ runoff of stormwater to and from maintenance areas.

Material storage area good housekeeping practices and BMPs include, but are not limited to:

- 1) Move storage indoors whenever practical;
- 2) Maintain all material storage vessels that are kept outdoors (e.g., for used oil/oil filters, spent solvents, paint wastes, hydraulic fluids) to prevent contamination of stormwater and plainly label them (e.g., "Used Oil," "Spent Solvents," etc.);
- 3) Keep an organized inventory of materials used in the shop;
- 4) Install berms, dikes or other appropriate BMPs around the areas;
- 5) Minimize run-on of stormwater to the areas;
- 6) Use dry cleanup methods; and
- 7) Treat, recycle, or properly dispose of collected stormwater runoff.

The EPA Audit required ADOT to address deficiencies in its permit compliance for the Maintenance Yard and Storage and Fuel Yard in Superior. These facilities are no longer operational and are used for storage only. ADOT intends to sell the property within the current permit term.

L. Part 12 – Monitoring Requirements

1. General

CWA § 308 and 40 CFR Part 122.44(i) require that monitoring be included in permits to determine compliance and to monitor discharge impacts on receiving water quality. All AZPDES permit holders have the responsibility to determine that all data collected for purposes of a permit meet the requirements specified in this permit and are collected, analyzed, and properly reported to ADEQ.

Monitoring for discharges associated with construction and industrial activities is no longer required. The 2015 permit only requires monitoring of stormwater discharges associated with

the MS4. ADOT is responsible for conducting and reporting results to ADEQ in the Annual Reports. The stormwater monitoring parameters in Table 12.1 have been greatly reduced from the 2008 permit (see “Sample Frequencies and Parameters,” below).

The Part 12 Monitoring Requirements are included to ensure that the monitoring data submitted under this permit is accurate in accordance with 40 CFR 122.41(e). ADEQ recognizes that sampling and analyses may in some cases be contracted to a third party. In this case, a permittee still has responsibilities for ensuring that the contract provisions and the data submitted are consistent with the permit requirements. A cornerstone of an effective monitoring program is the Quality Assurance (QA) and Quality Control (QC) processes that apply to the sample collection, analyses, and review of analytical results. The permit requires ADOT to keep a QA manual (see Part 12.2.2) to document the data collection process (whether done by ADOT or a 3rd party). The required elements of the QA manual are outlined in the permit. The monitoring conditions specified in the permit include monitoring protocols for quality assurance, sample collection, analytical methods, and laboratory selection; monitoring record retention; and conditions for modifying monitoring requirements.

Conditions specified in 40 CFR 122.41 (Conditions Applicable to All NPDES permits), such as monitoring conditions, are specified in Part 14, Standard Conditions. Part 12.2.4 of the permit discusses Reporting and records retention requirements for monitoring results.

2. MS4

This permit requires ADOT to conduct stormwater sampling (“wet weather monitoring”) throughout the permit term. ADOT submitted a revised stormwater monitoring program to the EPA in February 2002. The revised stormwater monitoring program was not implemented from 2001 through 2004 while ADOT was awaiting review and approval by EPA and ADEQ. Stormwater monitoring was performed in 2005, 2006 and 2007. This permit requires ADOT to implement a monitoring program consistent with the terms and conditions of the permit.

Representative Storm Events: A representative storm, as described at 40 CFR 122.21(g)(7)(ii), is a storm event of greater than 0.1 inch of rainfall and at least 72 hours after the previously measurable (greater than 0.1 inch rainfall) storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed fifty percent of the average or median rainfall event in the area.

Stormwater sampling required under the permit is to be representative of storm events for the region. EPA has noted in at least one recent MS4 compliance audit that the high range of duration and quantity of precipitation limits the number of storm events and sampling opportunities in Arizona. The determination of a representative storm using duration, combined with drought conditions over the last decade, has resulted in limited opportunities for Arizona Phase I MS4s to collect an adequate number of samples to assess stormwater quality or comply with the terms of the existing permits.

Therefore, ADOT’s permit requires a grab sample from “a discharge resulting from a measurable storm event that produces a sufficient volume to allow collection of a sample” (Part 12.4.2.2(a)). The duration of rainfall of a representative storm is irrelevant because it is not representative of the high intensity storms of short duration characteristic of the region’s summer monsoon season.

Stormwater Monitoring Seasons: Arizona Phase I MS4s varied slightly in the months identified as representative of the summer wet season and winter wet season as used to assess variations in seasonal pollutant loads. For the purpose of simplifying monitoring conditions and ensuring that all storm events fall into one of the two seasons for the purposes of MS4 monitoring, ADEQ has defined monitoring seasons in the permit as follows:

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

The frequency for MS4 stormwater sampling in this permit is at least once each wet season (summer and winter) from each monitoring location.

Stormwater Monitoring Locations: ADOT's 1999 permit required only two monitoring locations: one representative site each in the Phoenix and Tucson metropolitan areas. The 2008 permit's area expanded to include the entire state of Arizona such that there are now a total of five monitoring locations consistent with the provisions of 40 CFR 122.26(d)(2)(iii)(A).

The intent of the monitoring program is to characterize discharges to waters of the U.S. ADOT's Phoenix monitoring location formerly discharged to a retention basin, but was relocated during the 2008 permit term to a location that discharges directly to a water of U.S. The new Phoenix monitoring location is within the Phoenix-Mesa Urbanized Area (as defined by the 2000 Census) and is representative of a highly urbanized area. The Tucson location remains unchanged. Three additional monitoring locations were added during the 2008 permit term. The five sampling locations established during the 2008 permit term are presented in the following table:

| Site Name | Monitoring Location | Outfall ID | Receiving Water |
|-----------|--|----------------------|------------------|
| Flagstaff | North bank of the Rio de Flag, near the foot of N. Humphreys St. | B40-196.14 | Rio de Flag |
| Nogales | E. Morley Ave., near SR 82 intersection | 82-0.57 | Nogales Wash |
| Phoenix | NE cor. Loop 101 & Skunk Ck. Bridge | 101-13.68 | Skunk Creek |
| Sedona | SR 179 Bridge over Oak Creek | SR179 Bridge | Oak Creek |
| Tucson | 1444 W. Grant Rd. | Tucson MS4 Grant Rd. | Santa Cruz River |

Sample Frequencies and Parameters: Table 12.1 (Stormwater Monitoring Parameters) of the permit includes seasonal stormwater monitoring for a number of pollutants, such as: oil and grease, Total Dissolved Solids (TDS); Biochemical Oxygen Demand (BOD); Chemical Oxygen Demand (COD); nutrients; metals; *Escherichia coli* (*E. coli*); and TPH. Most parameters are pollutants that have been found in monitoring studies related to DOTs and highway run-off characterizations, such as those conducted by ADOT, NURP, USDOT, EPA, and Caltrans.

First Flush Discharge: Another MS4 monitoring condition in this permit requires that composite stormwater samples include the "first flush discharge" (first 30 minutes of stormwater discharge) of a representative storm to identify high pollutant loads, as well as assess the effectiveness of structural controls, such as retention basins, in managing the initial first flush of pollutants. The first flush discharge may also be effective in detecting non-stormwater discharges to the stormwater system because such pollutants may be flushed out of the system during the initial portion of the discharge. However, ADEQ recognizes there can be challenges in collecting grab samples within the first 30 minutes of discharge hence, an adverse conditions waiver is included. The permit requires ADOT to include the first flush in sampling events whenever possible to do so.

M. Part 13 – Reporting Requirements

1. Annual Reporting

Under this permit ADOT is required to prepare an Annual Report summarizing the progress of the SWMP and the findings of monitoring activities for each year of the permit term. The Annual Report must include an evaluation of the effectiveness of the SWMP in reducing the release of pollutants to and discharge of pollutants from the storm sewer system, and an assessment of compliance with, or progress towards attainment of, applicable water quality standards. The Annual Report includes reporting requirements for ADOT's MS4 activities and maintenance facilities.

The permit specifies the necessary content and the amount of information needed for the Annual Report. An Annual Report Form will be developed jointly with ADOT to make the reporting process more efficient for ADOT and provide a standard format for review by ADEQ.

Under this permit, ADOT's re-application is required to be included with their fourth year Annual Report. Hence, ADOT'S reapplication materials are due September 30, 2019.

2. Water Quality Standards for the MS4 discharge

ADOT is required to report any discharge that contains a pollutant at a level that is higher than an applicable surface water quality standard, as measured at an MS4 outfall monitoring location. This permit describes the specific information to be reported to ADEQ in this event. Additionally, if the pollutant is detected at the same outfall more than once (*i.e.*, is reoccurring) an investigation of the source(s) is to be conducted.

3. Other Reporting Requirements

Additional reporting requirements are specified under the Standard Conditions of the permit (Part 15), such as 24 hour reporting, anticipated or other noncompliance, and signatory and certification requirements. These standard conditions are referenced in the Reporting Requirements section of this permit for convenience.

4. Submittal Schedule

Table 14.2 is intended for both ADOT and ADEQ to track the activities and submittal dates required by this permit. The schedule includes a summary of the due dates specified in the permit, and describes how ADOT must report on the activity.

N. Part 14 – Standard Conditions

In accordance with 40 CFR 122.41, conditions applicable to all NPDES permits are included in Part 11.0 of this permit. Other standard conditions are specified in this permit in accordance with 40 CFR 122.21, 122.22, 122.64, Arizona Revised Statutes, and the Clean Water Act.

IV. ADMINISTRATIVE INFORMATION

A. Public Notice (A.A.C. R18-9-A907)

The public notice is the vehicle for informing all interested parties and members of the general public of the contents of a draft AZPDES permit or other significant action with respect to an AZPDES permit or application. The basic intent of this requirement is to ensure that all interested parties have an opportunity to comment on significant actions of the permitting agency with respect to a permit application or permit. This permit will be public noticed in a local newspaper after a pre-notice review by the applicant and other affected agencies.

B. Public Comment Period (A.A.C. R18-9-A908)

Rules require that permits be public noticed in a newspaper of general circulation within the area affected by the facility or activity and provide a minimum of 30 calendar days for interested parties to respond in writing to ADEQ. After the closing of the public comment period, ADEQ is required to respond to all significant comments at the time a final permit decision is reached or at the same time a final permit is actually issued.

C. Public Hearing (A.A.C. R18-9-A908(B))

A public hearing may be requested in writing by any interested party. The request should state the nature of the issues proposed to be raised during the hearing. A public hearing will be held if the Director determines there is a significant amount of interest expressed during the 30-day public comment period, or if significant new issues arise that were not considered during the permitting process.

D. EPA Review (A.A.C. R18-9-A908(C))

A copy of this draft permit and any revisions made to this draft as a result of public comments received will be sent to EPA Region 9 for review. If EPA objects to a provision of the draft, ADEQ will not issue the permit until the objection is resolved.

V. ADDITIONAL INFORMATION

Additional information relating to this proposed permit may be obtained from:

Christopher M. Henninger
Arizona Department of Environmental Quality
Water Quality Division
Surface Water Section, Stormwater & General Permits Unit
Mail Code 5415A-1
1110 W. Washington Street
Phoenix, Arizona 85007
Telephone: (602) 771-4508
Email address: cph@azdeq.gov

VI. REFERENCES

The following information sources were used during the development of this permit, including discharge limitations, special conditions, monitoring requirements, and reporting requirements:

Arizona Administrative Code (A.A.C.) Title 18, Chapter 11, Article 1, *Water Quality Standards for Surface Waters*, adopted March 31, 2003.

A.A.C. Title 18, Chapter 9, Article 9, *Arizona Pollutant Discharge Elimination System US EPA, Preamble to the federal stormwater permit application regulations, Nov. 16, 1990, FR Vol. 55, No. 222.*

Code of Federal Regulations (CFR) Title 40, Part 122, *USEPA administered permit programs: The National Pollutant Discharge Elimination System.*

USEPA, 2010, Municipal Separate Storm Sewer System Permit Improvement Guide. EPA 833-R-10-001.

USEPA, Region 9, MS4 Compliance Audit, May 10, 2011. State of Arizona, Department of Transportation.

USEPA, Administrative Order on Consent with the Arizona Department of Transportation, EPA Docket No. CWA-09-2012-2004, signed April 19, 2013.

DRAFT