



FACT SHEET

ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM MULTI-SECTOR GENERAL PERMIT MSGP 2009

I. INTRODUCTION

The purpose of this Fact Sheet is to describe the proposed AZPDES 2009 Multi-Sector General Permit (AZPDES 2009 MSGP) for stormwater discharges associated with industrial activity. In Arizona the NPDES program is administered as the Arizona Pollutant Discharge Elimination System (AZPDES) program, 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. In short, the AZPDES 2009 MSGP is applicable to discharges in Arizona except for those facilities in Indian Country.

ADEQ is issuing the AZPDES 2009 MSGP to replace the expired MSGP 2000. The permit will have a five year term; hence, it will expire on the anniversary of the permit's signature date in 2014. Pursuant to A.A.C. R18-9-C905 the Director may modify and reissue and revoke this permit before it expires if certain conditions, presented in 40 CFR 122.62(a) or (b), are met.

This permit contains provisions that require industrial facilities in 29 different industrial sectors to, among other things, implement control measures and develop site-specific stormwater pollution prevention plans (SWPPP) to comply with AZPDES requirements. In addition, the MSGP includes a thirtieth sector, allowing ADEQ to permit additional industrial activities which ADEQ determines require permit coverage for industrial stormwater discharges not included in the other 29 industrial sectors.

EPA issued the MSGP 2000 for a five-year term commencing on October 30, 2000 (65 FR 64746). EPA subsequently corrected the MSGP 2000 on January 9, 2001 (66 FR 1675-1678) and March 23, 2001 (66 FR 16233-16237). ADEQ has had authority for implementation, compliance and enforcement of EPA's MSGP 2000 since assuming responsibility for the NPDES permitting program on December 5, 2002. The MSGP 2000 expired on October 30, 2005 but was administratively continued for facilities that were covered under the permit at the time it expired. EPA's 2008 MSGP, which does not apply in Arizona, became effective on September 29, 2008.

All facilities in Arizona subject to the permit, including those previously covered by the MSGP 2000, must now apply for coverage under ADEQ's new AZPDES 2009 MSGP. To be covered by this new permit, operators must submit a complete and accurate Notice of Intent (NOI) and certify in the NOI that they meet the requisite eligibility requirements, described in Part 1 of the permit, including the requirement to select, design, and install control measures to comply with the technology- and water quality-based effluent limits in Part 2 and to develop a SWPPP, pursuant to Part 5. Once covered under this permit, a permittee is required to take corrective action if it determines through inspection, evaluation, or monitoring that the control measures chosen to meet the limits are not adequately reducing pollutants in the discharge.

ADEQ's AZPDES 2009 MSGP is patterned after EPA's MSGP 2008 in format and content and many of the concepts of EPA's permit are incorporated into the AZPDES 2009 MSGP. ADEQ'S Fact Sheet for the AZPDES 2009 MSGP adopts EPA's Fact Sheet for the 2008 MSGP by reference. Please refer to EPA's Fact Sheet for an in-depth discussion / evaluation of the terms of the new 2008 MSGP. ADEQ's AZPDES 2009 MSGP is written to Arizona-specific conditions. Therefore, the Fact Sheet for the MSGP 2009 only

discusses issues directly relevant to the implementation of the AZPDES 2009 MSGP as well as those changes that are unique to Arizona's permit.

Throughout this Fact Sheet certain terms are used when referring to different responsible entities. For instance, the permit holder is referred to either as the "permittee" or "operator". Typically, the term "operator" or "discharger" is used when discussing those actions required prior to permit authorization, while "permittee" is used where the Fact Sheet is referring to provisions that affect the discharger after receiving coverage.

The permit references various federal regulations. These regulations are incorporated by reference into the state AZPDES rules in the Arizona Administrative Code (A.A.C.) R18-9-A905. As an aid to reviewers, however, the permit cites the federal regulations where specific regulatory language can be found.

Changes from the Proposed EPA 2008 MSGP: EPA's Fact Sheet discusses changes from their proposed 2006 MSGP to their final 2008 MSGP. While informative, this discussion is not important in the context of Arizona's permit. The EPA 2006 MSGP was proposed on non-Indian lands in Arizona as a contingency measure to ensure that general permitting continued to be available if the decision by the Ninth Circuit Court of Appeals regarding Defenders of Wildlife v. EPA had taken effect. Had this occurred, the program would have reverted to EPA and no longer been administered by ADEQ. As such the EPA 2006 MSGP was never formally proposed by ADEQ for adoption in Arizona. Therefore, further discussion in this Fact Sheet is unnecessary.

II. ORGANIZATION OF THE PERMIT

ADEQ adopted EPA's organization and numbering for this permit which markedly differs from the MSGP 2000. ADEQ believes the new format clarifies permittee responsibilities and places more emphasis on measures to control or eliminate pollutants from stormwater discharges associated with industrial activity. In addition, the permit consolidates all requirements for corrective actions in Part 3 and in Part 5.4 those provisions which require the permittee to document activities demonstrating compliance with permit requirements. Like EPA's permit, ADEQ has divided the permit into eight parts. Parts 1 through 7 detail the general requirements that apply to all permittees, including permit coverage, control measures and effluent limits, corrective actions, inspections, SWPPP preparation, monitoring, and reporting and recordkeeping requirements. Part 8 contains industry sector-specific conditions.

III. SUMMARY OF MAJOR CHANGES BETWEEN EPA'S MSGP 2008 AND ADEQ'S AZPDES 2009 MSGP

This section discusses the major differences between EPA's and ADEQ's permit.

Federal Requirements not Applicable to State Permitting Programs

- *Procedures covering the Endangered Species Act (ESA), National Historic Places Act (NHPA) and National Environmental Policy Review Act (NEPA):* These programs are not applicable to Arizona's state administered NPDES program. Refer to Section V.A.3 of the EPA Fact Sheet. EPA still retains its authority for compliance with the requirements under these programs. Permittees do not have to determine eligibility under the ESA following the ESA Screening Process described in EPA's permit and Fact Sheet, nor is there a requirement to meet any of Criteria A through F as described in the EPA Fact Sheet and MSGP 2008. USEPA retains its oversight role with respect to ADEQ-issued NPDES permits to provide continued protection to Federally-listed species and designated critical habitat in Arizona. Likewise, ESA provisions upon which Parts 1.1.4.5 and 2.3 in EPA's 2008 MSGP are based do not apply to state issued permits. In accordance with the above, all references to Endangered Species, Historic Properties and NEPA Review and Appendix E and F of EPA's 2008 MSGP were removed from ADEQ's version.

ADEQ will send an applicant whose project is in a critical habitat area a letter from the US Fish and Wildlife Service (USFWS) providing information on how to comply with the ESA. If a facility is

identified as being located within a habitat that may be important to the conservation of listed and/or proposed species, the operator should contact the USFWS for conservation measures that may be required to ensure the facility is in compliance with ESA.

- *SWPPP Availability to federal agencies:* Part 5.3 addresses the requirements for the permittee to retain a copy of the SWPPP at the facility and make it available to agencies, such as ADEQ or EPA, that have a role in regulating stormwater. As noted above, the AZPDES 2009 MSGP does not include requirements regarding federal programs such as the Endangered Species Act so language regarding inspections by the USFWS has been omitted.
- *New Source Review* is a NEPA requirement for Federal programs and is not applicable to the state program.
- *Underground Injection Control Regulations*

The opening paragraph of EPA's Fact Sheet acknowledges that "Infiltration of stormwater is generally highly recommended because of its pollutant mitigation and hydrological benefits, but care must be taken when using such control measures at industrial sites so as to not degrade underground sources of drinking water. The Safe Drinking Water Act (SDWA) was established to protect drinking water supplies of the U.S. It requires EPA to regulate underground injection of fluids through subsurface disposal systems that discharge wastes or other fluids that may endanger sources of drinking water (see 40 CFR Part 144). These regulations (often referred to as UIC regulations) may apply to industrial operators if their stormwater is treated by an infiltration control measure that can be classified as a Class V Injection Well (e.g., a stormwater drainage well)."

In Arizona, drywells are a common method for disposal of stormwater, especially in the urban areas of metropolitan Phoenix and Tucson. They are authorized for the disposal of stormwater only.

Drywells that drain areas where hazardous substances, including motor fuels, are used, stored, loaded or treated are required to obtain either an individual or a general aquifer protection permit (APP). See A.A.C. R18-9-C301 (general APP Type 2.01 for drywells draining areas where hazardous substances are used, stored, loaded, or treated) and A.A.C. R18-9-C304 (general APP Type 2.04 for motor fuel dispensing facilities with drywells).

Drainage areas may include loading docks, fuel pumps, waste and product storage areas, etc. ADEQ recommends against installation of drywells in such areas. However, if installation is necessary, then compliance with an applicable APP is required. Regardless of the permitting status, however, all drywell(s) must be registered.

If a drywell is used for any other discharges, it is classified as an injection well, and an individual APP is required for operation or closure. This type of operation may also trigger regulation under the federal Underground Injection Control (UIC) program. The UIC Program in Arizona is administered by EPA Region 9. Refer to the end of Section VI.B.2, p. 49 of EPA's MSGP 2008 Fact Sheet and their web site, <http://www.epa.gov/safewater/uic/index.html>, for additional information.

Any drywells that a facility has must be identified on the site map as part of the SWPPP and their registration numbers listed in the SWPPP.

- Industry Sector-specific Requirements

In the AZPDES 2009 MSGP Arizona has reserved two of the Part 8 Sectors that are eligible for coverage under EPA's permit for the reasons explained below.

- *Sector H, Coal Mining* – RESERVED. At the present time, all Arizona coal mines are located on the Navajo and Hopi Reservations, which are outside the jurisdiction of the AZPDES 2009 MSGP. ADEQ has no agreements (such as Inter-governmental Agreements or Memorandums of Understanding) to implement and enforce the AZPDES 2009 MSGP in Indian Country in the state of Arizona. This sector is reserved.
- *Sector I, Oil and Gas Extraction* – RESERVED. EPA narrowed the scope of coverage for facilities covered under Sector I to discharges from field activities or operations associated with oil

and gas exploration, production, processing, or treatment operations or transmission facilities. EPA moved petroleum refining activities, as distinct from oil and gas extraction activities, to Sector C, which broadened that sector to cover Chemical and Allied Products Manufacturing and Refining processes. EPA made this change because petroleum refining activities are more similar to chemical and allied products manufacturing than to oil and gas extraction activities.

At the present time, all Arizona oil and gas production (extraction) is located in the Paradox Basin of the Four Corners Region on the Navajo Reservation, which is outside the jurisdiction of the AZPDES 2009 MSGP. As with Sector H, ADEQ has no agreements to implement and enforce the AZPDES 2009 MSGP on the Navajo Reservation. Although oil and gas exploration (exploratory drilling) occurs outside Indian Country in Arizona, there is currently no production, which is the main scope of coverage under the MSGP for this sector. Operators conducting oil and gas exploration outside Indian Country are required to obtain coverage under the AZPDES 2008 Construction General Permit (CGP) for any activity disturbing one acre or more. This sector is reserved.

IV. POINT-BY-POINT CHANGES TO PERMIT

Part 1 – COVERAGE UNDER THIS PERMIT

This part describes the eligibility requirements industrial facilities must meet to be covered by this permit. Part 1 describes how to apply for coverage, limitations on coverage, types of non-stormwater discharges that are allowed under this permit, permit compliance, authorization and terminating coverage, obtaining a conditional exclusion for no exposure and alternate permits.

Allowable Non-Stormwater Discharges (Part 1.1.3)

The AZPDES 2009 MSGP provides a similar list of allowable non-stormwater discharges associated with industrial activity as in EPA's permit and adds to the list: irrigation line flushing and water used for dust control. While ADEQ believes these allowable discharges to be of a type, frequency and volume as to pose little threat to water quality, the AZPDES 2009 MSGP requires that these allowable non-stormwater discharges must meet the requirements of Part 2.1.2.10. ADEQ has specified that emergency fire fighting activities (this does not include training, sprinkler testing, etc.) are allowable stormwater discharges to all waters without the added requirement of meeting Part 2.1.2.10. In addition, the permit clarifies that reclaimed wastewater may be used for dust control; provided that the reclaimed water is not applied in such quantities that it becomes a non-stormwater discharge.

New Discharges to Impaired Waters (Part 1.1.4.5)

This language remains essentially unchanged from EPA's version.

Existing Discharges to Impaired Waters (Part 1.1.4.6)

This is an addition to the ADEQ permit which establishes the process for authorizing existing discharges to impaired waters or to upstream tributaries that may cause or contribute to the impairment.

Discharges to Outstanding Arizona Waters (OAW) (Part 1.1.4.7)

Like EPA's permit, the AZPDES 2009 MSGP prohibits new or expanded discharges to outstanding Arizona waters (Tier 3 waters). In accordance with A.A.C. R18-11-107.01(F), existing facilities may seek authorization to discharge to OAW if they can demonstrate that the discharge will not degrade water quality in the OAW. If authorization is given, the permittee is required to develop and implement a monitoring program in accordance with Part 6.2.4.

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. Provided that the permittee maintains compliance with the provisions of this permit,

the designated uses of the surface waters will be presumed protected, and the antidegradation requirements under A.A.C. R18-11-107(E) will be met. However, in accordance with A.A.C. R18-11-107(F), an existing discharger may not receive coverage under this permit if the discharge will degrade water quality in an OAW. ADEQ may exercise the option to require an individual AZPDES permit.

How to Obtain Authorization and Discharge Authorization Time Frame (Part 1.3.1)

ADEQ does not currently have an electronic submittal system for the AZPDES 2009 MSGP that is comparable to ADEQ's Construction General Permit Smart NOI system or EPA's *e-NOI*. Other options (i.e., electronic submission) may become available in the future. If that occurs, ADEQ will notify dischargers of the alternatives either directly, by public notice, or by making information available on the Internet. Under this permit, Notices of Intent and Notices of Termination (or a photocopy/reproduction) shall be signed and dated in accordance with Appendix B.9 of the permit and submitted via fax, regular mail or overnight/ express to ADEQ at the address provided in Part 7.6 of the permit.

Table 1-2, NOI Submittal Deadlines, is simplified from EPA's authorization time frames. ADEQ's discharge authorization is organized according to type of discharger. The majority of dischargers must file an NOI for coverage under the AZPDES 2009 MSGP within 120 days of the permit's date of issuance.

- Existing Dischargers: includes all facilities already in operation and covered under the previous MSGP 2000. ADEQ has established a 120 day window for filing NOIs, commencing on the date of issuance of the AZPDES 2009 MSGP. This timeframe applies to ALL existing facilities that were administratively continued under the expired MSGP 2000 and requires permittees to file an NOI for coverage under the new AZPDES 2009 MSGP. The 120 day timeframe applies to ALL facilities covered before the expiration of the MSGP 2000 on October 30, 2005.
- Other Eligible Dischargers: includes facilities in operation and facilities that were constructed and began operating prior to the effective date of this permit. For various reasons, none of these facilities obtained coverage under the MSGP 2000 or other NPDES/ AZPDES permit. Hence, none of the facilities in this category were administratively continued under the MSGP 2000. ADEQ has established a 120 day window for filing NOIs, commencing on the date of issuance of the AZPDES 2009 MSGP. The 120 day timeframe applies to all facilities that were in operation prior to the effective date of this permit and did not obtain coverage under the MSGP 2000 or other NPDES/AZPDES permit.
- New Dischargers: includes any new facility that will commence discharging after the effective date of the AZPDES 2009 MSGP. The NOI submission deadline for new dischargers is as soon as possible but not less than 30 days prior to anticipated date of discharge.
- Transfer of ownership or operation of an existing facility that is authorized to discharge under this permit to a new owner/ operator. The NOI submission deadline is at least five days prior to transfer. The current permittee is responsible for requirements under the permit until the transfer has taken place and the new owner/operator has received permit coverage.

Other than the method of submittal, the submittal requirements are the same as those of EPA's permit with two additions. In addition to submittal of an NOI and development of a SWPPP, if the applicant will discharge to a municipal separate storm sewer system (MS4) the applicant must provide the name of the MS4 on the NOI and provide a copy of ADEQ's Authorization to Discharge to the MS4 operator.

If ADEQ does not receive a complete and accurate Notice of Intent certifying that the eligibility requirements of Part 1 of the permit have been met, ADEQ will notify the applicant/operator that the application is deficient or incomplete. In some cases, the applicant/operator may be required to implement additional controls before ADEQ will authorize stormwater discharge.

If the applicant seeks authorization for a new discharge to an impaired water, a copy of the SWPPP, along with the NOI, must be submitted to the Department. The department will review the SWPPP to determine whether the selected BMPs and control measures are sufficiently protective of water quality. In some cases, the applicant/operator may be required to implement additional controls before ADEQ will authorize stormwater discharge.

An applicant/operator will be authorized to commence discharging upon receipt of ADEQ's authorization document containing the "AZMSG—" approval number. Authorizations to Discharge, to waters other than OAWs or impaired waters, should be issued within 7 business days from receipt of a complete and accurate NOI.

Terminating Coverage (Part 1.4.2)

The AZPDES 2009 MSGP clarifies that a permittee, who is selling or turning over ownership of a facility to a new owner or operator, is responsible for meeting the terms of this permit until the new owner or operator assumes ownership, has taken over responsibility for the facility and has obtained permit coverage.

Conditional Exclusion for No Exposure (Part 1.5)

Facilities in Arizona with stormwater discharges associated with industrial activity may qualify for a Conditional Exclusion for No Exposure by meeting the same requirements as EPA's MSGP 2008. Like EPA's program, the No Exposure Certification in Arizona must maintain a condition of no exposure in accordance with 40 CFR 122.26(g)(4)(iii) and must be renewed by the operator every five years to remain valid. However, ADEQ permit language replaced the EPA version because it provides more detail about the intent of the no exposure exclusion and how the operator can qualify for/ comply with this exclusion from MSGP coverage. ADEQ's permit language clarifies that operators covered by this exclusion must allow ADEQ and / or MS4 representatives to inspect the facility and that reports generated from the inspection are available to the public, when requested. Facilities qualifying for coverage under this exclusion are required to furnish a copy of ADEQ's No Exposure Certification acknowledgement letter to the operator of the MS4 into which the facility discharges (where there is a stormwater discharge to the MS4). The permit also explains that ADEQ may revoke or deny the exclusion and require authorization under an individual AZPDES permit with cause.

Severability (Part 1.7)

This permit does not include the severability language as a separate clause in the main body of the permit but instead relies on the severability language in the standard conditions (see Appendix B).

Part 2.0 – CONTROL MEASURES

Part 2 describes the requirements for implementation of stormwater control measures to meet numeric and non-numeric technology-based and water quality-based effluent limitations. Part 2.1.2 requires operators to achieve all of the non-numeric technology-based effluent limitations listed in the permit; which in previous permits were referred to as best management practices (BMPs). Part 2.2 deals with discharges to Arizona listed water quality impaired waters.

Minimize Exposure (Part 2.1.2.1)

EPA's permit directs the permittee to minimize the exposure of manufacturing, processing, and material storage areas to precipitation and runoff through a number of options. ADEQ uses similar language to EPA's permit and requires the permittee to minimize exposure by implementing one or more of the suggested protections as determined appropriate for the facility and location.

Spill Prevention and Response Procedures (Part 2.1.2.4)

In addition to EPA's permit language, ADEQ has added language concerning the prevention of contamination of stormwater around fueling areas and EPCRA 313. Spills and leaks that occur in these areas could contribute pollutants to stormwater discharges. Multiple industry sectors have these issues and duplicate language in Part 8 was eliminated by moving it here. In addition, they are also mentioned in Part 5 in the context of the SWPPP requirements to document pollutant sources.

Non-Stormwater Discharges (Part 2.1.2.10)

ADEQ's AZPDES 2009 MSGP language defines in more detail what constitutes a non-stormwater discharge and what is prohibited as a non-stormwater discharge. Stormwater discharges that are mixed with non-stormwater sources, other than those specifically identified in and managed in compliance with the permit are not authorized. Non-stormwater discharges that are authorized under a different NPDES/AZPDES permit may be commingled with discharges authorized under this permit.

Antidegradation Requirements for New or Increased Discharges (Part 2.2.3)

In EPA's permit, this section is focused on antidegradation requirements for new or increased discharges to Tier 2 or Tier 2.5 waters. In the AZPDES 2009 MSGP, ADEQ has focused additional requirements to ensure water quality protections on discharges to impaired and outstanding Arizona waters and tributaries of both waters rather than Tier 2 waters. (Note: Arizona does not have Tier 2.5 waters under its antidegradation policy.) These added protections include Parts 1.1.4.5 and 1.1.4.6 dealing with demonstrations required to authorize new or existing discharges to impaired waters with and without approved TMDLs, respectively; and Parts 6.2.3 and 6.2.4 which require monitoring for discharges to impaired water and OAWs. The recently adopted surface water quality standards at A.A.C. R18-11-107.01(F) states:

“Antidegradation review of a general permit. The Director shall conduct the antidegradation review of a regulated discharge authorized by a general permit at the time the general permit is issued or renewed. A person seeking authorization to discharge under a general permit is not required to undergo an individual antidegradation review at the time the Notice of Intent is submitted unless the discharge may degrade existing water quality in an OAW or a water listed on the 303(d) List of impaired waters.”

Part 3 – CORRECTIVE ACTIONS

This part describes the corrective actions necessary to address conditions at the site that are indicative of control measure deficiencies. The provisions in Part 3 specify the types of conditions at the site that trigger corrective action requirements, what must be done to eliminate such conditions or conduct further inquiries into their cause, and the deadlines for completing corrective action. Failure to implement a required corrective action is a permit violation (even if the triggering event is not a permit violation), in addition to any underlying violation that may have triggered the initial requirement for corrective action. A summary of all corrective actions initiated and/or completed each year must be reported to ADEQ in the annual comprehensive site inspection report and kept with the SWPPP.

No significant changes were made to this section.

PART 4 – INSPECTIONS

Part 4 describes the inspection and evaluation of the performance of existing stormwater control measures. The permit requires all facility operators to conduct three types of inspections every year: an annual comprehensive site inspection; routine quarterly inspections; and four visual assessments (two in the summer and two in the winter seasons) during times of stormwater discharge. The permit specifies in detail the monitoring and reporting requirements for each type of monitoring.

Visual Assessment of Stormwater Discharges (Part 4.2)

In the AZPDES 2009 MSGP, the requirement for visual assessments has been changed from quarterly to one that is more compatible with Arizona's summer and winter wet seasons. While four visual inspections must be conducted annually, they are to be concentrated during rainfall events in the winter and summer wet seasons. The visual examinations must still be conducted when the site is discharging.

Comprehensive Site Inspection Procedures (Part 4.3.1)

EPA established an annual cycle for Comprehensive Site Inspections to commence on the anniversary date of permit issuance. ADEQ is proposing to change the inspection cycle for conducting the annual CSI to correspond to the anniversary date of issuance of Authorization of Discharge to the permittee.

Part 5 – STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

This part describes the preparation and documentation requirements of the SWPPP and its availability to the public. The permit requires the discharger to prepare a SWPPP for its facility before submitting a Notice of Intent (NOI) for permit coverage. The SWPPP, together with the additional documentation requirements (see Part 5.4), is intended to document the selection, design, installation, and implementation (including inspection, maintenance, monitoring, and corrective action) of control measures being used to comply with the effluent limits set forth in Part 2. The SWPPP documents information on how the permittee intends to comply with the effluent limitations (and inspection and evaluation requirements) contained elsewhere in the permit.

There were no material changes to this part. Minor changes were made to conform to other changes in the permit and make it internally consistent. For example: in Part 5.1.2, the site description requirements in the facility's SWPPP must include the items in EPA's permit and, in addition, include the location of drywells on the site map and a list with their registration number(s); the location of ephemeral and intermittent streams, arroyos and any surface waters receiving stormwater discharges within the immediate vicinity (e.g., 1 mile radius of the facility), and identification of storage facilities that are EPCRA 313 sources which are considered potential sources of pollutants in stormwater.

Regarding SWPPP availability in Part 5.3, the SWPPP is available to the public and, upon request, ADEQ will provide access to the facility's SWPPP with the exception of any qualifying confidential information (as defined in A.R.S. § 49-205).

Part 6 – MONITORING

This part describes monitoring requirements that apply to each outfall discharging stormwater associated with industrial activity. The permit contains a detailed section on monitoring procedures with follow-up actions if a discharge exceeds a numeric effluent limit. Four types of analytical monitoring are required, one or more of which may apply to the facility's discharge:

- Benchmark monitoring (see Part 6.2.1)
- Effluent limitations monitoring (see Part 6.2.2);
- Impaired waters monitoring (see Part 6.2.3); and
- Additional monitoring as required by ADEQ (see Part 6.2.4).

EPA introduced, and ADEQ adopted, the concept of a measurable storm event as any storm event that results in a discharge of stormwater from the facility. The requirement no longer exists that precipitation must measure 0.1 inch, or greater to qualify.

ADEQ has reorganized all of the sampling and monitoring requirements in this permit under a new subsection entitled Sampling and Analysis Plan (SAP). For the required monitoring, the SWPPP must contain a SAP either as a separate section or as an appendix to the SWPPP. The contents of the SAP are outlined in Part 6.1.3 and must include:

- Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
- Parameters for sampling and the frequency of sampling for each parameter;
- Schedules for monitoring at the facility (see Part 6.1.6);

- Any numeric control values (benchmarks, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to discharges from each outfall; and
- Procedures (e.g., responsible staff, logistics, laboratory to be used, etc.) for gathering storm event data, as specified in Part 6.1.

Monitoring Periods (Part 6.1.2.1)

Facilities in Arizona are subject to limited rainfall conditions throughout the year (i.e., the winter wet season or the summer wet season). The climate throughout the state of Arizona is characterized as arid or semi-arid with irregular stormwater runoff. In addition, certain areas of the state experience freezing conditions that may prevent runoff from occurring for extended periods. Therefore, monitoring periods have been adapted accordingly and the section on climates with irregular stormwater runoff has been combined into the section on monitoring periods. Whereas the federal MSGP 2008 requires much of the monitoring to be conducted by calendar quarter or calendar year, ADEQ has established a winter and summer "wet season" for monitoring in this permit. ADEQ has replaced EPA's quarterly benchmark monitoring schedule with one that adapts to Arizona's summer and winter wet seasons.

The monitoring requirement begins immediately after authorization to discharge received by permittee, unless authorization was received three months or more after the wet season began. In such cases, monitoring should commence with the start of the next wet season. For the purpose of ensuring that all storm events fall into one of the two seasons for the purposes of MSGP monitoring, ADEQ recognizes the variability of rainfall in the state and has defined monitoring seasons in this permit as follows:

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

This definition applies statewide. The frequency for MSGP stormwater sampling in this permit is at least twice each wet season (summer and winter) from each monitoring location. If four samples cannot be collected within the first year of receiving coverage, the permittee is required to continue performing benchmark monitoring until four samples are collected.

The term 'wet season' includes areas of the state where freezing conditions exist that prevent runoff from occurring for extended periods. In areas where freezing conditions exist, the required monitoring and sample collection may be distributed during seasons when precipitation runoff, either as melting snow or rain mixed with melting snow, occurs. The permittee is still required to collect the required number of samples. Permittees should note that when snowmelt results in a measurable discharge, samples must be collected during a period with a measurable discharge. Pure snowmelt may be collected, or snowmelt mixed with stormwater (rain).

Monitoring (Part 6.2)

The AZPDES 2009 MSGP includes benchmark, effluent limitations and impaired waters monitoring similar to that of the EPA permit. In addition, ADEQ has included additional monitoring requirements in Part 6.2.4 directed to permittees that receive authorization to discharge to impaired waters or outstanding Arizona waters. ADEQ has also introduced a reduced benchmark monitoring requirement for discharges with outfalls to ephemeral waters.

Benchmark Monitoring (Part 6.2.1)

Benchmark monitoring is required in the AZPDES 2009 MSGP but the quarterly sampling has been changed to four rounds of sampling redistributed during seasons when precipitation occurs, or when snowmelt results in a measurable discharge from the site. Hence, four samples are still required annually, but are tied to storms associated with the summer and winter wet seasons. If there is insufficient rainfall during the first year of permit coverage to obtain four samples, the permittee must continue sampling until four samples are retrieved, even if sampling extends into another year of permit coverage.

Owing to the limited rainfall Arizona receives annually, permittees are required to continue sampling once per wet season if they determine it is technologically infeasible to make any further pollutant reductions. This fact must be documented in the Annual Report to ADEQ.

The four rounds rather than quarterly sampling is also carried through to the natural background section.

Monitoring Exceptions for Discharges to Ephemeral Waters (Part 6.2.1.5 & Part 6.2.2.2)

The AZPDES 2009 MSGP contains tailored monitoring requirements for permittees with discharges to ephemeral waters provided there is no potential for the discharge to degrade a downstream perennial surface water. The benchmark requirement to monitor either total suspended solids (TSS) or turbidity are waived for these facilities and the required monitoring is reduced for the other Part 8 parameters from twice per wet season to once per wet season.

Once a minimum of two samples (rather than four for regular benchmark monitoring) have been collected, the permittee will evaluate the data as is required under the benchmark monitoring and follow the established procedures based on whether an average of the two monitored values exceeds or does not exceed the benchmark. If the average of the samples does not exceed the benchmark for the parameter of concern, the monitoring requirement for that parameter is fulfilled for the permit term. If, however, the average of the two values exceeds the benchmark, the permittee must initiate corrective actions and continue monitoring until the results confirm discharges do not exceed the benchmark. Nothing in this section limits the amount of samples the facility may take prior to averaging once the two sample minimum is met.

Likewise in Effluent Limitations Monitoring, the permit provides a waiver from the requirement to monitor for either total suspended solids (TSS) or turbidity if the discharges are to ephemeral waters.

Effluent Limitations Monitoring (Part 6.2.2)

Only changes to this section are to mirror the change from quarterly monitoring in EPA's permit to the wet season monitoring in the AZPDES 2009 MSGP; to clarify when monitoring shall commence upon receiving authorization to discharge; and the waiver for TSS and turbidity monitoring for discharges ephemeral waters.

Discharges to Impaired Waters and Outstanding Arizona Waters Monitoring (Part 6.2.4)

As noted earlier, ADEQ's permit requires the permittee to develop and implement a monitoring program (Part 6.4.2) for authorized discharges to impaired waters or outstanding Arizona waters.

The AZPDES 2009 MSGP is consistent with EPA's permit for discharges to impaired waters without an approved TMDL except that ADEQ's permit requires two samples per wet season at each outfall discharging to the impaired water rather than EPA's one time per year. If the results of the first year sampling determine the pollutant for which the water is impaired is not present, is not expected to be present or can be demonstrated to be due solely to natural background, the monitoring requirement is satisfied for the permit term. If the pollutant is found in the first year of sampling, the permittee shall continue to monitor in accordance with the monitoring program developed under Part 6.2.4.

For discharges to impaired waters with an approved TMDL, ADEQ is requiring the same type of monitoring and follow up as for discharges to waters without an approved TMDL. This is a change from EPA's permit which requires monitoring only upon notification from EPA to the applicant.

Part 7 – REPORTING AND RECORDKEEPING

This part describes the requirements for submitting monitoring data to ADEQ to document stormwater quality and identify potential water quality concerns.

Permittees are required to submit an annual report to ADEQ that includes the findings from their annual comprehensive site inspection report and a report detailing any conditions triggering corrective action and the status of those actions taken in response. An Annual Report Form is provided for permittees to use when filing the annual report. The requirement to file an annual report is intended to improve

accountability by requiring that all permittees report to ADEQ at least annually, thus allowing the Department to confirm that required annual inspections and corrective actions have been performed. ADEQ expects results from the annual comprehensive site inspection and information on corrective actions to improve the basis on which to evaluate permittee performance and compliance.

Reporting Monitoring Data to ADEQ (Part 7.1)

Permittees shall submit all applications (e.g., notices of intent, notices of termination, no exposure), DMR forms, monitoring data and reports to ADEQ at the address indicated in Part 7.6. No information is required to be submitted to EPA.

Monitoring data should be submitted using the MSGP discharge monitoring report (DMR) form that is available on the ADEQ website at: <http://www.azdeq.gov/environ/water/permits/stormwater.html#multi>

Except for monitoring conducted under Parts 6.2.3 and 6.2.4, which is to be submitted twice per year as outlined in that part, all other monitoring data shall be submitted to ADEQ within 30 days of receiving complete laboratory results for all monitored outfalls for the reporting period.

Part 8 – SECTOR-SPECIFIC REQUIREMENTS FOR INDUSTRIAL ACTIVITY

Part 8 describes requirements specific to the particular industry sectors. This permit is available to facilities with stormwater discharges associated with industrial activity in 29 industry sectors (Sector A – Sector AC), as well as any discharge not covered under those sectors (Sector AD) that has been identified by ADEQ as appropriate for coverage. The sector descriptions are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes consistent with the definition of stormwater discharge associated with industrial activity at 40 CFR 122.26(b)(14)(i-ix, xi). Appendix C of the permit presents the specific information on each sector. The sectors are listed below:

Sector A – Timber Products	Sector P – Land Transportation
Sector B – Paper and Allied Products Manufacturing	Sector Q – Water Transportation
Sector C – Chemical and Allied Products Manufacturing	Sector R – Ship and Boat Building or Repairing Yards
Sector D – Asphalt Paving and Roofing Materials Manufactures and Lubricant Manufacturers	Sector S – Air Transportation Facilities
Sector E – Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing	Sector T – Treatment Works
Sector F – Primary Metals	Sector U – Food and Kindred Products
Sector G – Metal Mining (Ore Mining and Dressing)	Sector V – Textile Mills, Apparel, and other Fabric Products Manufacturing
Sector H – Coal Mines and Coal Mining-Related Facilities – RESERVED	Sector W – Furniture and Fixtures
Sector I – Oil and Gas Extraction and Refining – RESERVED	Sector X – Printing and Publishing
Sector J – Mineral Mining and Dressing	Sector Y – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries
Sector K – Hazardous Waste Treatment Storage or Disposal	Sector Z – Leather Tanning and Finishing
Sector L – Landfills and Land Application Sites	Sector AA – Fabricated Metal Products
Sector M – Automobile Salvage Yards	Sector AB – Transportation Equipment, Industrial or Commercial Machinery
Sector N – Scrap Recycling Facilities	Sector AC – Electronic, Electrical, Photographic and Optical Goods

Sector O – Steam Electric Generating Facilities	Sector AD – Reserved for Facilities Not Covered Under Other Sectors and Designated by the Director
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Only four sectors were materially changed from EPA's version. For reasons already discussed above, Sectors H and I have been reserved.

EPA's MSGP 2008 allows the mining sectors of G and J to be covered by the Construction General Permit under the MSGP. Likewise, in the AZPDES 2009 MSGP, stormwater construction permit language for mining Sectors G and J was incorporated to allow Sectors G and J coverage for construction and exploration activities. The permit incorporates applicable requirements from the AZPDES CGP. In the past those activities were required to be covered separately under the CGP.

AZPDES Construction General Permit inspection language was substituted in Sector L, Part 8.L.7.1. The inspection schedule is adapted to Arizona climate. Whereas the federal MSGP 2008 requires inspections of active sites at least once every 7 calendar days, the AZPDES 2009 MSGP offers the alternative to inspect once every 14 calendar days, in addition to conducting an inspection within 24 hours after a measurable storm event. The AZPDES 2009 MSGP also provides reduced inspection schedules for sites that are temporarily stabilized and sites where runoff is unlikely due to winter conditions. Sites within 1/4 mile of impaired or outstanding Arizona waters must be inspected every 7 calendar days and operators must visually observe stormwater discharges at every discharge location within one business day of the end of a measurable storm event. The stepped up inspection schedule for sites within 1/4 mile of impaired or outstanding Arizona waters is expected to encourage operators to spot failing control measures early and prevent discharge to these waters so as not to further their impairment.

In many sub-sections of Sectors M through AC, several control measures are presented as possible options. The language was clarified that permittees must implement effective controls to minimize the introduction of pollutants into stormwater. Where several options are listed, the language now clarifies that permittees must implement one or more control measure options or other equivalent measures, as the permittee determines is appropriate for the particular facility and location.

INCLUDED APPENDICES

The five appendices to the permit include: definitions, abbreviations and acronyms; standard conditions; a table of sector-specific SIC codes covered by this permit; guidance for calculating hardness; and specific requirements about NOI and SWPPP submittal information applicable to individual Tribes in Arizona.

Following EPA's lead, ADEQ incorporated certain information into appendices:

Appendix A – Definitions, Abbreviations and Acronyms

Appendix B – Standard Permit Conditions – the standard conditions in the AZPDES 2009 MSGP are essentially consistent with the standard conditions in other AZPDES general permits. However, the AZPDES 2009 MSGP contains the following additional provisions and revisions:

- Appendix B.9 – as with EPA's permit, Appendix B.9(c) was added to define a "duly authorized representative."
- Appendix 11(d) – the approved monitoring methods now include facilities that handle sludge.
- Additional language from Appendix B.12(D) from EPA's 2008 MSGP about monitoring reports has been incorporated into Part 7 of the AZPDES 2009 MSGP to reflect EPA's updated conditions.
- Includes bypass and upset conditions incorporated as Appendix B. 21 and B.22, respectively.

Appendix C – Facilities and Activities Covered – Sectors H and I are reserved.

Appendix D – Calculating Hardness in Surface waters Receiving Stormwater Discharges for Hardness Dependent Metals

Appendix E – NOI and SWPPP Submittal Information Applicable to Indian Country Lands in the State of Arizona – This is a new appendix, replacing Part 9, Permit Conditions Applicable to Specific States, Indian Country Lands, or Territories. This appendix applies to the Hualapai, Navajo and White Mountain Apache Reservations, the only three reservations in Arizona that have submittal requirements different from EPA's regular requirements. All other Arizona tribes are directed to submit forms to the EPA Stormwater Notice Processing Center in Washington, D.C.

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