

NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rulemaking information that does not fit into any other category of notice; and other types of information required by statute to be published in the *Register*. Because of the variety of material that is contained in a Notice of Public Information, the Office of the Secretary of State has not established a specific format for these notices.

NOTICE OF PUBLIC INFORMATION DEPARTMENT OF ENVIRONMENTAL QUALITY

AZPDES MULTI-SECTOR GENERAL PERMITS

[M13-227]

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| 1. <u>Name of the agency:</u> | Department of Environmental Quality |
| 2. <u>Title and its heading:</u> | 18, Environmental Quality |
| <u>Chapter and its heading:</u> | 9, Department of Environmental Quality - Water Pollution Control |
| <u>Article and its heading:</u> | 9, Arizona Pollutant Discharge Elimination System |
| <u>Section number:</u> | R18-9- A908(E)(2) |

3. Notice of final permit determination:

On May 29, 2013, the Arizona Department of Environmental Quality (ADEQ or Department) re-issued the Arizona Pollutant Discharge Elimination System (AZPDES) stormwater Construction General Permit (2013 CGP). The 2013 CGP authorizes the discharge of stormwater and allowable non-stormwater associated with construction activities from large and small sites (see 40 CFR 122.26(b)(14)(x) and 122.26(b)(15), respectively).

Since 1992, the Environmental Protection Agency (USEPA) has issued a series of stormwater CGPs that provide permit coverage in states where USEPA is the permitting authority. The Department has had USEPA delegated authority for implementation, compliance and enforcement of the CGP since December 5, 2002. Over the years, this permit has authorized the discharge of stormwater associated with construction activity; renewable every five years (2003, 2008 and now 2013). The CGP 2008 expired on February 28, 2013, but was administratively continued for operators that were covered under the permit as well as coverage for any new operators after it expired. This administrative continuance was made possible by SB1289 during the 2012 Legislative session, which amended the AZPDES statute by adding ARS § 49 – 255.01(M). This amendment meant that new construction operators could obtain stormwater permit coverage under the 2008 CGP after February 28, 2013, until the Department approved and issued the 2013 CGP. The 2013 CGP is effective for a period of five years from June 3, 2013, expiring on June 2, 2018.

This general permit covers the state of Arizona, except for Indian Country. ADEQ does not have authority for discharges in Indian Country. Operators in these areas must pursue permitting through the appropriate tribal permitting authority. Where there is no approved tribal program, USEPA Region 9 remains responsible, consistent with its trust authority for implementing and enforcing the NPDES program in Indian Country.

The 2013 CGP includes modifications to the 2008 CGP that were necessary to implement SB 1289 and USEPA's new narrative technology-based effluent limitations for Construction and Development point sources, known as the "C&D rule." The C&D rule, which became effective February 1, 2010, applies to all permitted discharges from construction sites. As a result of the new rule operators must minimize the discharge of pollutants by implementing erosion and sediment, stabilization and pollution prevention controls (see 40 CFR 450.21(a) through (f)) to assure that Surface Water Quality Standards are maintained. To this end, construction operators must: implement stormwater control measures and develop site-specific stormwater pollution prevention plans (SWPPP) to comply with AZPDES program requirements; inspect and evaluate the performance of existing control measures; perform "follow-up" or corrective actions to correct identified problems. Monitoring of stormwater discharges is still required, but only for sites that discharge to impaired waters or outstanding Arizona waters.

ADEQ first presented a completed draft of a new CGP for stakeholder review and discussion in February 2012, patterned after the content and organization of EPA's 2012 CGP issued February 15, 2012. The Department conducted an extensive informal stakeholder review process from late winter into early summer 2012 on an approximately bi-weekly schedule. Two additional stakeholder meetings were held in mid-September, following release of a final draft in August 2012. ADEQ published a public notice of the draft CGP 2013 on November 23, 2012 in the Arizona Administrative Register (18 A.A.R. 3077). The Public Comment period closed on January 11, 2013.

Nine parties submitted comments on the permit and fact sheet. ADEQ revised the draft permit and fact sheet, where appropriate, to address concerns raised by the comments. Details of all revisions and response to every comment are contained in ADEQ's official Response to Public Comments for the Construction General Permit, located at http://www.azdeq.gov/environ/water/permits/download/cgp_final_response-2-comments.pdf.

4. The final general permit and associated documents:

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A complete itemization of the public comments and ADEQ's responses, a copy of the final permits, and the final fact sheets are available on the ADEQ web site at:

<http://www.azdeq.gov/envirom/water/permits/cgp.html> or contact ADEQ at (602) 771-4508.