

NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rule-making 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

AZPDES CONSTRUCTION GENERAL PERMIT

[M08-137]

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| 1. <u>Name of the agency:</u> | Department of Environmental Quality |
| 2. <u>Title and heading:</u> | 18, Environmental Quality |
| <u>Chapter and heading:</u> | 9, Department of Environmental Quality – Water Pollution Control |
| <u>Article and heading:</u> | 9, Arizona Pollutant Discharge Elimination System |
| <u>Section number:</u> | R18-9-A908(E)(2) |
| 3. <u>Notice of final permit determination:</u> | |

On February 29, 2008, the Arizona Department of Environmental Quality (ADEQ) re-issued the Arizona Pollutant Discharge Elimination System (AZPDES) general permit authorizing stormwater discharges from construction activities into waters of the United States. The final permit will be effective for a period of five years from the date of signature. This permit replaces the previous Arizona Construction General Permit, which expired on February 28, 2008. This permit action results from the Phase II Stormwater Regulations issued by EPA in the December 8, 1999 *Federal Register*. On December 5, 2002, ADEQ, became the permitting authority for NPDES in the state of Arizona (excluding Indian country) and responsible for implementation of the Phase II requirements.

ADEQ made a public notice of the permit action available in the December 7, 2007 *Arizona Administrative Register* and accepted public comments until January 25, 2008. ADEQ amended the draft permit, where appropriate, to address a number of comments received during the comment period. ADEQ made significant changes from the draft to the final permit as a response to comments. These changes include:

- The schedule and provisions for inspections, including increased inspection frequency during the monsoon season, was removed from the draft permit and replaced with inspection requirements similar to those in the former (2003) construction general permit.
- There was no provision for default authorization in the draft permit. The final permit includes a provision for default authorization in seven days of the Department receiving complete and accurate Notice of Intent documents.
- Provisions for “upset” and “bypass” are included in the final permit. These provisions were included in the 2003 permit, but not the draft permit. The inclusion of these provisions is consistent with federal rules (40 CFR 122.41).
- The maintenance schedule for best management practices (BMPs) in the final permit is changed. The maintenance of BMPs is to be conducted within seven calendar days or before the next rain event, which ever is sooner (unless otherwise required by the permit, federal, state, or local requirements). The draft permit required silt fences be repaired within 24 hours.
- The time-frame for on-going construction projects granted coverage under the former construction general permit to obtain was increased from 90-days to 120-days.
- A provision was added to the permit requiring the parcel or lot number recorded by the county to be included on the Notice of Intent and Permit Waiver Certification forms.
- The final permit requires that changes in a revised SWPPP be implemented before the next rain event whenever practicable. If the revised SWPPP cannot be implemented before the next rain event, the reasons must be documented in the SWPPP and implemented as soon as practicable. No time-frame for implementing a revised SWPPP was specified in the draft permit.
- The final permit includes a provision that concrete washout be conducted at the provider’s own plant or dispatch facility when possible. The draft permit did not specifically promote concrete washout at the provider’s own facility.
- The draft permit requirement to include measures to minimize the generation of onsite dust was removed from the final permit. Dust control is beyond the scope of this stormwater permit and is addressed through state and local air quality requirements.
- Definitions for the following terms were added to the final permit: ‘municipal separate storm sewers’; ‘receiving waters’; ‘rain event’; and ‘wetland.’ ‘Anticipated storm event’ was changed to ‘anticipated rain event.’

Notices of Public Information

- The following terms / definitions were removed from the final permit: ‘non-attaining’ and ‘significant contributor of pollutants.’
- The provision for use of smaller sediment basins or traps serving less than 10 acres, and for linear projects was added to the final permit.
- The requirement that construction activities be phased in, as practicable, was added to the final permit.
- The time-frame for reporting spills was changed to 24 hours, or as soon as site staff have knowledge of the discharge, consistent with federal reporting requirements.
- The requirement for posting a copy of the authorization certificate was removed and replaced with posting only the authorization (AZCON) number at the entrance of the construction project.

4. The final general permit:

A complete itemization of the comments and ADEQ’s responses, a copy of the final fact sheet, and the final permit is available on the ADEQ web site at: <http://www.azdeq.gov/function/forms/appswater.html#cgp> or contact ADEQ at (602) 771-4508.