

# STORMWATER MANAGEMENT PLAN

In accordance with the  
Arizona Pollutant Discharge Elimination System  
Small Municipal Separate Storm Sewer Systems Permit 2021  
Permit No. AZG2021-002  
Issued on September 30, 2021  
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## EXECUTIVE SUMMARY

With the 2010 census, the City of Casa Grande (City) met the criteria established by the Environmental Protection Agency (EPA) to become a Phase II municipality. When the Arizona Department of Environmental Quality (ADEQ) issued the Arizona Pollutant Discharge Elimination System (AZPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) to Waters of the United States No. AZG2021-002 (Permit), the City was required to abide by Permit requirements. The Permit was issued by ADEQ effective on September 30, 2021; therefore, the City is required to develop and implement a Stormwater Management Plan (also referred to as a Stormwater Management Program [SWMP]).

This SWMP has been developed in accordance with 40 CFR Part 122; Arizona Revised Statutes (ARS) Title 49, Chapter 2, Article 3.1; and Arizona Administrative Code (AAC) Title 18, Chapter 9, Articles 9 and 10. The SWMP has been prepared to meet the requirements identified in Permit Section 5.1 and is certified per Permit Section 9.9.

This SWMP outlines the City's program to reduce the discharge of pollutants to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate requirements of the Clean Water Act (CWA) in accordance with ADEQ's Stormwater Phase II program. This goal is achieved through implementing six minimum control measures (MCMs):

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination (IDDE) Program
- Construction Activity Stormwater Runoff Control
- Post-Construction Stormwater Management in New Development and Redevelopment
- Pollution Prevention and Good Housekeeping for Municipal Operations

The SWMP is designed to be a comprehensive program document outlining how the stormwater program is implemented and maintained, therefore, additional sections have been added to address:

- Fiscal Resources
- Legal Authority
- MS4 Mapping
- Program evaluation and revision
- Reporting
- Signatory Requirements



## **1.0 INTRODUCTION**

The City of Casa Grande's Stormwater Management Program (SWMP) is designed to address the need to prevent or reduce discharges of pollutants to Waters of the United States. The Program specifically considers the six Minimum Control Measures (MCMs) outlined in the Arizona Department of Environmental Quality (ADEQ) General Permit AZG2021-002 for small municipal separate storm sewer systems (MS4s).

The Best Management Practices (BMPs) presented here have been proposed because they address the six MCMs, are appropriate for the City of Casa Grande's stormwater system, are achievable and measurable, and are anticipated to make improvements in the City's stormwater quality. For each BMP, the appropriate measurable goals are delineated along with a schedule including an indicated frequency of planned actions.

## **2.0 EXISTING STORMWATER SYSTEM**

The City's Municipal Separate Stormwater System (MS4) is comprised of a system of curbs, gutters, inlets, catch basins, underground pipes, retention basins, natural washes, and canals. The stormwater system is maintained by the City's Public Works - Streets Division and the stormwater system map is developed and maintained by the GIS Division.

## **3.0 RECEIVING WATERS**

Overall, the land near Casa Grande gradually slopes from southeast to northwest and is generally level. All stormwater discharges from Casa Grande enter the Gila River primarily through the Santa Cruz Wash and Greene Wash. The Santa Cruz Wash and Greene Wash are not designated as impaired, nor are they considered to be Outstanding Arizona Waters (OAW). Similarly, the Gila River is not found to be impaired or an OAW. There are no established Total Maximum Daily Loads (TMDL's) for any of the City's receiving waters.

## **4.0 LEGAL AUTHORITY**

The City adopted their Code of Ordinances. Title 18, Stormwater Pollution Prevention includes provisions for addressing the following Permit requirements:

- Prohibit and eliminate illicit connections (ICs) and illicit discharges (IDs) to the MS4.
- Control the discharge of spills, and prohibit dumping, or disposal of materials other than stormwater into the MS4.
- Require compliance with conditions in the permittee's ordinances, permits, contracts, or orders.
- Require owners/operators of construction activities, new or redeveloped land, industrial and commercial facilities to minimize the discharge of pollutants to the MS4 through the installation, implementation, and maintenance of stormwater control measures.
- To the extent allowed under State law, the permittee must have methods to enter private property for the purpose of inspecting at reasonable times any facilities, equipment,



practices, or operations related to stormwater discharges to determine whether there is compliance with local stormwater control ordinances/standards.

- The permittee must promptly require violators cease and desist illicit discharges or discharges of stormwater in violation of any ordinance or standard and/or cleanup and abate such discharges.
- To the extent allowable under State and federal law, the permittee must impose civil or criminal sanctions (including referral to a city or district attorney) and escalate corrective response, consistent with its enforcement response.
- Identify departments within the permittee's jurisdiction that conduct stormwater-related activities and their roles and responsibilities under this permit. Include an up-to-date organizational chart specifying these departments and key personnel positions.
- Identification of the local administrative and legal procedures and ordinances available to mandate compliance with stormwater-related ordinances and therefore with the conditions of this permit.
- A description of how stormwater related ordinances is implemented and appealed.

Moreover, the City has the legal authority to enforce its SWMP within the timeframe allotted by the Permit.

#### **4.1 ENFORCEMENT**

With the amendments of the City Code as mentioned in Section 4 above, the City has the legal authority to enforce its SWMP. As part of the SWMP, an Enforcement Response Plan (ERP) has been created to document the procedure for implementing compliance with the SWMP. Escalation measures presented in the ERP are briefly described below:

- Violation Notice
- Civil Citations
- Criminal Penalties

If the violator takes insufficient actions, the City will proceed with its abatement process as described in the City Code. The City will perform minimum corrective actions to restore compliance with the SWMP and City ordinances. The violator will be responsible for the associated costs to reimburse the City. The City's ERP is in the Appendix.

#### **5.0 FISCAL RESOURCES**

Casa Grande currently uses funds from the City's General Fund for operation and maintenance of the stormwater system and for performing capital improvements.



## **6.0 MS4 MAPPING**

The City's Engineering Division has developed a Geographic Information System (GIS) database for mapping stormwater infrastructure, construction projects and permits, and municipal infrastructure.

Stormwater infrastructure includes roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains that are owned or operated by the City. At present time, the City has all retention basins and valley gutters, public and private, included in the GIS database. The GIS database will be updated to include curbs, gutters, ditches, and man-made channels. The City regularly updates the GIS database with new infrastructure as it is constructed within the MS4.

## **7.0 MINIMUM CONTROL MEASURES**

The SWMP outlines the six minimum control measures (MCMs) that are required by the Permit. The six MCMs are:

1. Public Education and Outreach
2. Public Participation and Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff Control
5. Post-Construction Runoff Control
6. Pollution Prevention/Good Housekeeping

Each MCM is described in more detail in the following sub-sections. Each MCM contains a responsible department, and several Best Management Practices (BMPs) selected by the City. A table summarizing each MCM, BMP, and frequency or deadline are at the end of this document. The City Organizational Chart can be found in the Appendix.

In addition to these MCMs, the Permit also requires the development of an ERP, a written SWMP (this document), an annual report, and, under certain conditions, analytical monitoring for certain waterbodies. The City does not discharge to impaired or OAW water bodies; therefore, no analytical monitoring is required.

The City is a member of Phoenix area Stormwater Outreach for Regional Municipalities (STORM), a public education-based group of Phase I and Phase II MS4 communities that are committed to developing stormwater education and outreach materials such as related radio ads, TV ads, billboards, handouts, brochures, etc. The City's partnership with STORM does not wholly satisfy all six MCMs but supplements the City's efforts to provide a more comprehensive SWMP.

### **7.1 MCM-1: PUBLIC EDUCATION AND OUTREACH**

This section is intended to meet the requirements outlined in Permit section 6.1. The Public Education and Outreach MCM targets different sectors of the public.



Per the 2020 census, the City is broadly characterized as:

- A growing population of 53,658 residents.
- A population comprised of approximately 46% White, while Hispanic or Latino make up 40% of the population.
- 25.5% of households speak languages other than English at home.
- 27.4% of persons are under 18 years old
- 34.4% of persons over the age of 25 are high school graduates or higher.

Based on this assessment of the City's population, the City can tailor its education and outreach program to effectively convey messages to a largely young, diverse, and bilingual population. Also, the City will focus on the youth through school programs. An informed and knowledgeable community is crucial to the success of the stormwater management program. As the public becomes aware of the personal responsibilities expected of them and others in the community, including the individual actions they can take to protect or improve the quality of area waters, a greater compliance with the stormwater program will result.

#### **BMP 1.1 - Website**

The City website can be found at <http://casagrandeaz.gov/>. The website will be updated to contain stormwater information for the general public including links to the SWMP, NOI, and other stormwater resources.

#### **BMP 1.2 - Local Outreach Group**

The City is a member of Stormwater Outreach for Regional Municipalities (STORM) and actively participates in regional outreach activities and education efforts. STORM provides the City with brochures, activity books, and other informational handouts and materials for the City to distribute in their own City outreach activities. Activities of the organization are summarized in the STORM annual report. The City will participate in meetings and provide a summary of activities in the annual report.

#### **BMP 1.3 - Printed Materials**

The City will use materials provided by STORM and other sources to inform the public. Materials will be developed targeting various aspects of the community (homeowners, students, seniors, farmers, and contractors). The City will distribute a brochure specific to contractors as well. The brochure will be handed out when site plans are submitted, see (Section 7.4, BMP 4.1). Brochures and other items will be available at public outreach events.

#### **BMP 1.4 - HOA Outreach**

The City will target Homeowner Association (HOA) meetings. The City will inform HOA's of their responsibility to maintain stormwater facilities and to prevent illicit discharges. Part of the outreach efforts may also include familiarizing HOA's with the latest Stormwater City Ordinance Code. The City will attend one HOA meeting each year.

#### **BMP 1.5 - Special Events**



The City will set up a booth at the Silent Witness Anti-Crime Night event and other City events that become available. The City will inform the public of stormwater pollution prevention and distribute promotional and awareness items such as frisbees, doggy clean-up bags, and other stormwater related items provided by STORM and the City.

## **7.2 MCM-2: PUBLIC INVOLVEMENT AND PARTICIPATION**

This section is intended to meet the requirements outlined in Permit section 6.2. The public involvement component of the City's SWMP will be crucial for developing support by the citizenry and will be ultimately tied to the success of the SWMP. The City will ensure that the public participation program will focus on the needs and specific messaging methods for all socio-economic groups within the City. All stormwater meetings/events will be publicized and open to the public.

### **BMP 2.1 - Implement Public Notices**

The City of Casa Grande will establish a dedicated section on its official website to allow residents to submit comments and suggestions regarding the Stormwater Management Plan (SWMP).

### **BMP 2.2 - Public Reporting**

The City website contains a Service Request Form that is modified to include stormwater complaints. The website also refers reporters to contact the Public Works Department at (520) 421-8625. In addition to the website and phone number, the City also offers an App for mobile device users called SeeClickFix. SeeClickFix is available for download from the Apple Store or Google Play Store and allows users to access the service request form. Users are able upload photos of the complaint through the App.

Stormwater complaints are received by the Public Works Receptionist and are directed to the Engineering Technician. The complaints are logged into SeeClickFix, a system for managing work orders. If the severity of the complaint requires urgent attention, Engineering Technician will be notified immediately of the complaint by phone. Once the MS4 Coordinator receives the complaint, he/she will then contact the appropriate crews to resolve the complaint. Most complaints generally receive a response within 24 hours.

Public Works will record the number of complaints received each year through the various methods described above.

### **BMP 2.3 – Household Hazardous Waste (HHW) Program**

In partnership with Pinal County and other area communities, City residents can participate in an annual Household Hazardous Waste (HHW) collection event. HHW collection events are held annually, and residents can dispose of items such as anti-freeze, batteries, motor oil, paint, and tires. The City will coordinate with the County to record the number of wastes collected annually. The City will also hold a citywide annual collection event and record the amount of HHW collected. The City Landfill accepts small amounts of HHW and will maintain a record of amounts collected annually.



The City will refer residents to proper household disposal locations within Pinal County. There are several options to reduce household waste and properly dispose of a variety of products. The Pinal County website has several locations listed, and the City will either refer residents to the county website or add this information to our City Stormwater website.

### **7.3 MCM-3: ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE) PROGRAM**

This section is intended to meet the requirements outlined in Permit section 6.3. The illicit discharge detection and elimination (IDDE) control measure involves both municipal staff and local citizens and agencies. The focus of the IDDE program is to detect and eliminate illicit discharges into the MS4.

#### **BMP 3.1 - Eliminating Illicit Discharges**

In conjuncture with education and training, the City implements an identification and reporting process for responding to potential illicit discharges to and from the MS4.

Potential illicit discharges are identified primarily through visual monitoring, regular City maintenance activities, and reports from employees and/or the public. Illicit discharge reports/complaints are investigated within two business days of receipt and are investigated per the IDDE SOP (see the Appendix).

#### **BMP 3.2 – Visual Monitoring**

The City intends to inspect 20% of known stormwater outfalls as a part of the overall illicit discharge detection and elimination program. Illicit discharges found during inspections will be traced upstream and eliminated as expeditiously as possible. Facilities found to have illicit discharges will be re-inspected as necessary to verify no additional illicit discharges have occurred. See the Appendix for detailed IDDE Inspection/Investigation Standard Operation Procedures (SOP).

#### **BMP 3.4 - Unpermitted Discharges**

The City actively works to identify unpermitted facilities and activities that are discharging to the MS4. At least 12 construction sites (greater than 1 acre) and 10% of industrial activities located within the City's limits will be audited for AZPDES compliance. Reports will be pulled annually from the Business Licensing Department to verify if any new industrial facilities have applied for business licenses. The business's SIC codes will be referenced to the Multi-Sector General Permit SIC list, and if necessary AZPDES permit information will be provided. The City will include a list of all facilities contacted throughout the year in the annual report.

#### **BMP 3.5 - Staff Training**

See Section 8 for complete training information.



## **7.4 MCM-4: CONSTRUCTION ACTIVITY STORMWATER RUNOFF CONTROL**

This section is intended to meet the requirements outlined in Permit section 6.4.4. Casa Grande recognizes that construction site runoff can transport a significant amount of silt and sediment in a short period.

### **BMP 4.1 - Written Procedure**

The City's current procedure will be modified to meet Permit requirements. The procedure the City will follow for new construction projects is summarized below:

- The developer must submit site plans for proposed construction to the City's Development Center for review.
- The plans are received, given a tracking number, and scanned into Community Development System (ComDev), a program used to store PDF versions of the plans, by the Development Center staff.
- The Public Works Department reviews and approves plans. The approval progress and any comments are tracked through the ComDev.
- Currently, the City requires the developer to submit the NOI for a SWPPP.
- The developer will also need to complete an O&M plan. The O&M plan will explicitly state the developers' responsibilities for maintaining stormwater facilities.
- The City will issue the developer a Construction Development Permit (CDP) once all requirements have been satisfied.
- Active CDPs are logged in GIS. The GIS database is used to view active projects on a city map and provide access to scanned versions of the plans and other relevant documents.
- Once construction begins, the Public Works Inspector is tasked with monitoring potential stormwater violations at the project site. The Inspector will, at a minimum, inspect each construction site at least once during construction to review implementation and adequacy of sediment and erosion controls. The Inspector will fill out an inspection form (see the Appendix) at the time of inspection.

The developer will include erosion and sediment control plan on the SWPPP.

The Erosion and Sediment Control Plan shall include the following:

- A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.



- All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.

#### **BMP 4.2 – Contractor Education**

The City has a brochure listing the responsibilities of the contractor and that will provide additional stormwater management best practices. The brochure will be given to the contractor when the application is received for the construction permit. The contractor will also be given a copy of the inspection form. By providing the inspection form to the contractor, the contractor can assure compliance and ask clarifying questions prior to committing potential violations.

#### **BMP 4.3 - Training**

See Section 8 for complete training information.

#### **BMP 4.4 - Construction Inventory**

As outlined in BMP 4.1 - Written Procedure, the City maintains a database of active construction projects that disturb 1 acre or more. The City maintains PDF version of construction documents as well as ADEQ NOIs and ATDs. The PDF documents are stored in ComDev, while the active projects are tracked through GIS. Records of construction projects are kept.

#### ***BMP 4.5 - Construction Site Inspections and Enforcement***

The Public Works Inspector is tasked with monitoring for potential stormwater violations at construction sites. The Inspector will, at a minimum, inspect each construction site at least once during the active phase of construction to review implementation and adequacy of sediment and erosion controls. The Inspector will fill out an inspection form (see the Appendix) at the time of inspection.

If a non-compliance is identified during the inspection, the Inspector will notify the permittee and follow up within 2 days to ensure corrective actions have been made. If corrective actions have not been implemented the inspector will begin the enforcement process described in the Appendix.

Each year the City will document the number of construction sites that were active during the reporting period.

### **7.5 MCM-5: POST-CONSTRUCTION STORMWATER MANAGEMENT**

This section is intended to meet the requirements outlined in Permit section 6.5. The City recognizes that post-construction runoff control is important in limiting the number of pollutants including pesticides, herbicides, and sediment that are discharged to local washes and stormwater system facilities.

#### **BMP 5.1 - Stormwater Control Inventory**

All post-construction stormwater BMPs that discharge to the MS4 will be inventoried in GIS. Upon completion of projects, contractors will be required to deliver site as-built plans to the City prior to



final occupancy permit issuance. The as-built plans will then be digitized by the City's GIS department. As-built plans will typically be digitized as soon as possible after being submitted so that stormwater infrastructure remains up to date in case of an illicit discharge investigation.

### **BMP 5.2 - Enforcement Procedures**

(see SWMP Section 4.1)

### **BMP 5.3 - Site Plan Review Procedures**

The initial site plan review procedures are outlined in Section 7.4 under BMP 4.1 - Written Procedure. The following is in addition to the procedures previously outlined.

Upon completion of construction projects, contractors are required to submit as-built plans. Once as-built plans have been reviewed and approved, they are scanned into the City's Laserfiche. The owner must maintain retention basins in working order, as approved at the time of project completion. This requirement is satisfied through an Operation and Maintenance (O&M) Plan that the City requires from Developers. The O&M plan must explicitly state stormwater facility maintenance will be the responsibility of the Developer or site operator the contractor receives the final permit after as-built plans and O&M Plans have been approved. The City's GIS system is capable of tracking completed construction projects and providing access to as-built plans.

### **BMP 5.4 – O&M of Post-Construction BMPs**

As stated in BMP 5.3, post-construction BMPs are required to be maintained by the entity responsible for its operations and maintenance as documented in the O&M Plan.

Inspection of municipally owned post-construction BMPs will be performed by the City or their contractor. The City will inspect approximately 10% of municipal post-construction BMPs each year. Inspections of privately maintained post-construction BMPs that discharge to the MS4 will be performed on a compliant driven basis. Inspections will be documented using the Post-Construction Inspection Form (see the Appendix). See BMP 6.3 below for more information on the City's retention basin inspection program.

The City will record the number of post-construction BMPs inspected each year.

## **7.6 MCM-6: POLLUTION PREVENTION AND GOOD HOUSEKEEPING**

This section is intended to meet the requirements outlined in Permit section 6.6. The pollution prevention/good housekeeping control measure will be addressed by municipal staff. The program will be developed to ensure that pollution from municipal sources is minimized and that City employees are properly trained in the operation and maintenance of the stormwater system, illicit discharges, and City-owned facilities.

### **BMP 6.1 – Municipal Operations Inventory**

The Public Works Division maintains an inventory of municipal facilities (see the Appendix). The inventory of facilities is updated annually and is prioritized based on each facility's risk to discharge pollutants.

### **BMP 6.2 – Inspect Municipal Facilities**



The Public Works Division inspects facilities on a routine schedule. Facility inspections are based on priority. Facilities with a higher priority are inspected more frequently. Some facilities are regulated separately under the Multi-Sector General Permit (MSGP) and will therefore not be inspected under the MS4 Permit. The City inspects 20% of low priority facilities annually, medium priority facilities every 2 years, and high priority facilities annually. Inspections are summarized and documented in the annual report.

### **BMP 6.3 Non-Structural Controls**

Various street and maintenance non-structural control programs are implemented across the City. These programs include:

- **Street Sweeper Program** - The City operates 3 street sweepers. The entirety of the City is swept approximately every 5 weeks. The downtown area is swept twice weekly and following events. Maps showing the sweeping routes are provided in the Figures. The Street Sweepers will be trained to observe potential violations and alert the Stormwater Coordinator.
- **Vehicle Maintenance Program** - The City performs its own maintenance on all City vehicles. Regular maintenance on City vehicles will reduce the possibility of leaking oils and other solvents from entering the Storm Sewer System. Vehicle maintenance is performed at the Northern Operations Center.
- **Waste Disposal** - The City has weekly trash pickup for residents. The City has partnered with Pinal County to provide a solution for hazardous waste disposal. Further information can be found on the City's website which provides a link to the County website.
- **Public Retention Basin Maintenance Program** - The City has an existing program to clean retention basins. Before large storms, the city maintenance workers and heavy equipment operators within the Streets Division will clean critical inlets to the storm drain system to ensure they are not obstructed. The Street Supervisor directs the maintenance workers and heavy equipment operators to clean the critical areas. The critical areas have been determined from experience and are recorded in the GIS database. The critical areas are cleaned at least 10 times per year. This number varies based on actual potential large rain events.
- **Retention Basin Inspection** - After a significant rain event containing 1-inch or more, all City retention basins are inspected to ensure they drain within 36 hours. The City visually inspects approximately 1,700 basins. The Public Works Inspectors and Engineering Technicians perform the inspections and fill out a form for basins that are found to be out of compliance with the 36-hour rule (see the Appendix for a copy of the form). New private development projects will be required to be maintained by the owner and access must be given to City personnel for inspection purposes.

### **BMP 6.4 - Staff Training**

Street sweepers, maintenance workers, and facility inspectors will all be trained in accordance with this SWMP. For staff training (see section 8.0).

## **8.0 TRAINING**

The City has a training program to address the training requirements for municipal employees outlined in permit sections 6.3 (IDDE) and 6.6 (Pollution Prevention/Good Housekeeping for



Municipal Operators). In addition to this permit-required training, the City also trains construction and post-construction inspectors (Permit sections 6.4 and 6.5, respectively). This BMP is identified as BMP 6-2 (see section 7.6); however, it is presented as its own section in this SWMP to consolidate all required municipal training in one location.

The measurable goal for this BMP is to track and report the number of employees trained during each reporting period. To accomplish this goal, training sessions will be documented and will record the names of personnel being trained, training dates, and topics discussed/presented.

Target employees are building site inspectors, construction plan reviewers, construction and post-construction inspectors, code enforcement officers, public safety personnel, and those employees who are involved in target operations and/or their supervisors. Training can also be provided to certain City contractors at the discretion of the Environmental Compliance Specialist. The training program is based on the identified needs of the municipal employees.

## **8.1 TYPES OF TRAINING**

The following sections describe the different types of stormwater pollution prevention training conducted by the City. Training content may be delivered as stand-alone units or in combined training sessions.

### **8.1.1 IDDE**

As outlined in Permit Section 6.4.3 training is required to inform public employees of hazards associated with illegal discharges and improper disposal of waste. The goals of the program are to raise awareness of IDs and ICs, to prevent IDs and ICs, and to encourage employees to report IDs and ICs they may encounter during the normal course of their jobs.

### **8.1.2 Municipal Facilities**

As outlined in Permit Section 6.4.3, training is required on the O&M program for municipal operations. The goal of the program is to prevent or reduce pollutant runoff from municipal operations due to activities, including but not limited to park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

### **8.1.3 Construction Inspection**

Training is required for employees responsible for conducting construction site inspections and applying enforcement actions against construction site operators (permit section 6.4.4). The goal of the program is to prevent or reduce pollutant runoff from construction sites.

### **8.1.4 Post-Construction Inspection**

Training is required for employees responsible for conducting post-construction site inspections and applying enforcement actions (permit section 6.4.4). The goal of the program is to prevent or reduce pollutant runoff from new development and redevelopment projects.



### **8.1.5 Contractor Training**

If city uses sub-contractors, the City may provide a level of training appropriate for those workers on relevant aspects of the SWMP or SWMP program elements. Training is largely anticipated to be performed through implementing BMP 4.2 – Operator Education, but maybe expanded if needed at the City's discretion.

## **8.2 TRAINING FREQUENCY AND METHOD**

The City conducts annual training for select employees on the topics identified in section 8.1. Training materials may be presented as a stand-alone training session or in conjuncture with regular safety training. Additionally, training is also provided when employees are assigned new operations, tasks, equipment, or protocols. Training may be presented by City staff using PowerPoint presentations, or verbally using paper handouts of pertinent information.

## **9.0 ANALYTICAL MONITORING**

Permit Section 7.0 requires monitoring for small MS4s that discharge to impaired waters with established Total Maximum Daily Load(s) (TMDLs). The City MS4 drains to the Santa Cruz Wash and Greene Wash. The Gila River, at the outfall location, is not listed on Arizona's 303(d) list and there is no established TMDL; therefore, the City's SWMP does not include provision for stormwater monitoring.

## **10.0 REPORTING REQUIREMENTS**

This section describes various reporting aspects required by the Permit and addressed within this SWMP.

### **10.1 ANNUAL REPORT**

The City will submit an annual report each year, on or before September 30, for each plan year (2021-2026) to ADEQ. During the process of completing the annual report, City personnel will also review the plan and arrange for updates as needed in accordance with the requirements in the Permit. The report will include:

- Status of compliance with permit conditions.
- Updates regarding mapping requirements (including percent complete).
- Assessment of the effectiveness of the BMPs.
- Assessment of the progress towards achieving the measurable goals for each of the six minimum control measures (including description of the targeted message for each audience, distribution method and dates, and program evaluation method).
- Description of the activities used to promote public participation.
- The status of any plans or activities required by the IDDE programs, including results of illicit discharge potential protocols, number of illicit discharges located, number of illicit discharges removed, and employee training.
- All outfall screening and monitoring data collected.



- The status of any plans or activities required by General Monitoring Program.
- Status of the construction runoff management including number of project plans reviewed, number of inspections, and number of enforcement actions.
- Status of stormwater management for new development and redevelopment.
- Status of ordinance development and review.
- Status of the operation and maintenance programs.
- Description of any changes in identified BMPs or measurable goals.
- Description of activities to be conducted during next reporting cycle.

## **10.2 OTHER REPORTING**

Per Permit Section 9.12 the City is required to:

- Notify ADEQ of any noncompliance to the Permit which may endanger human health or the environment
- Give notice to ADEQ as soon as possible of any planned physical alterations or additions to permitted facilities
- Give advance notice to ADEQ of any planned changes that may result in noncompliance with permit requirements, and
- Contact ADEQ if the City becomes aware that relevant information in the NOI or any other submitted report was not included.

## **11.0 PROGRAM ASSESSMENT**

The City will annually self-evaluate the SWMP for compliance with the Small General MS4 Permit. All BMPs will be assessed for appropriateness and effectiveness by analyzing their established goals (see Tables 1 through 6). If necessary, ineffective, or infeasible BMPs may be modified or replaced, however documentation of why the BMP was insufficient, expectation of the replacement BMP, and why the replacement BMP will meet the defined goals is required within the SWMP. Adding components or controls to BMPs can be done at any time.

## **12.0 RECORD KEEPING**

The City will keep all records pertaining to the Permit for a minimum period of 3 years. The records will include all reports, follow up documentation, inspection records, enforcement actions, and data used in the development of the notice of intent.

## **13.0 PLAN AVAILABILITY**

The SWMP will be available digitally on the City website as outlined in BMP 1.1.





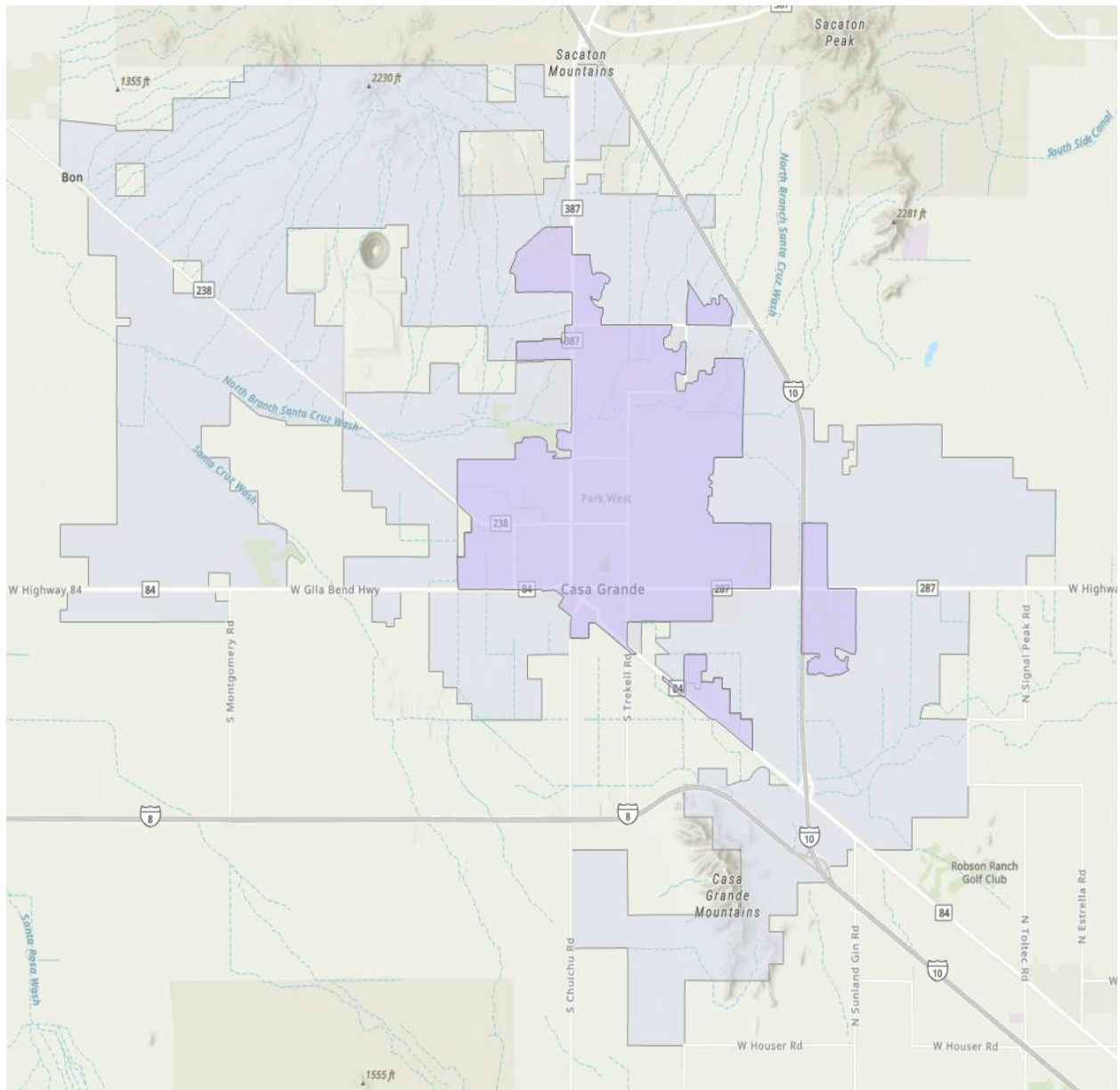
## FIGURES





## SWMP Map



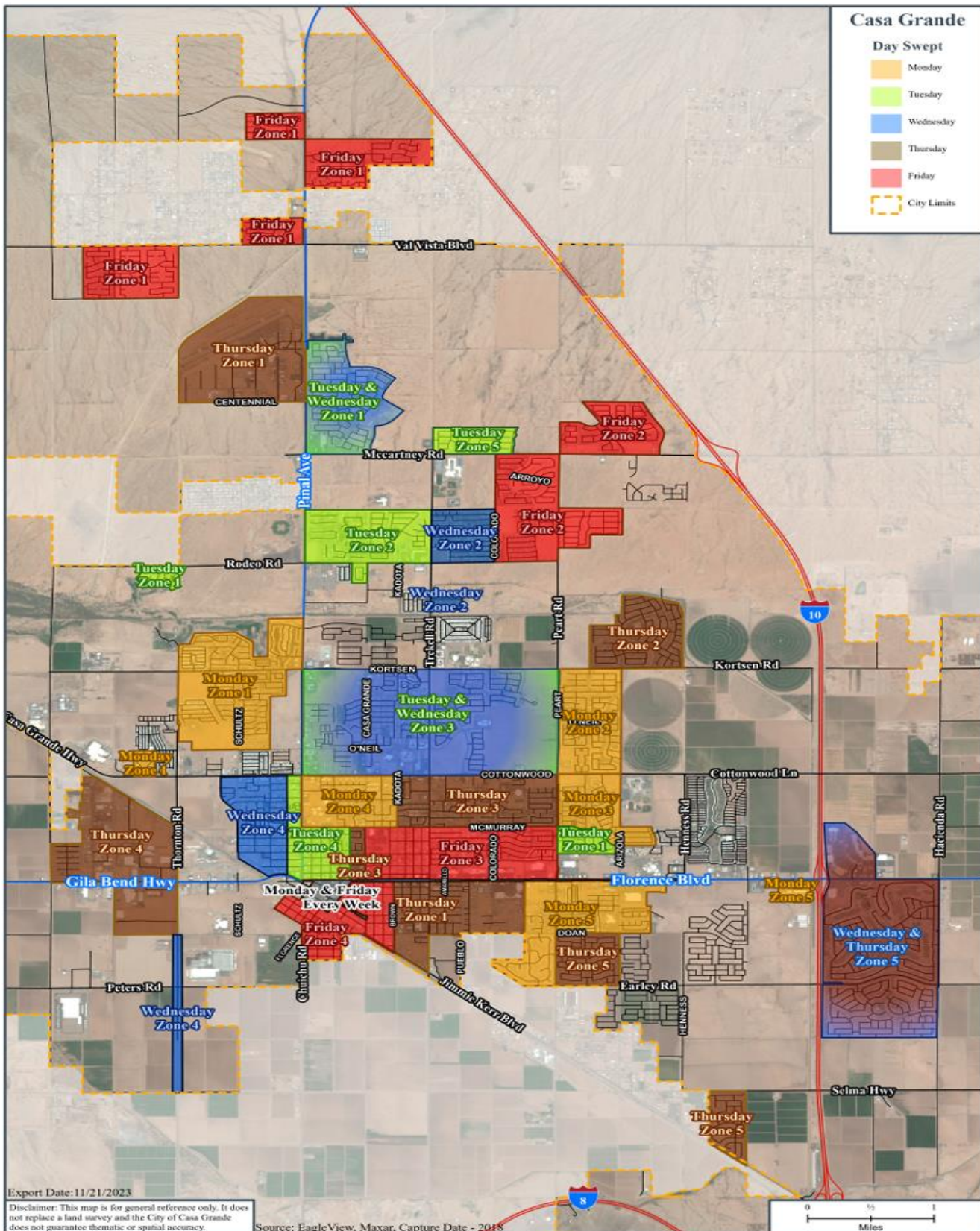






## **Street Sweeping Map**

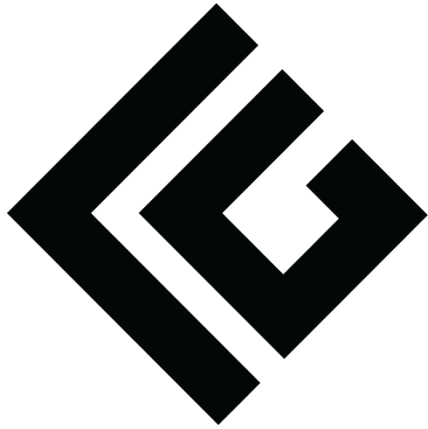




## Street Sweeping Schedule







CITY OF  
CASA GRANDE  

---

STRONGER UNITED

**Outfall Map**









## TABLES



**Table 1 - Public Education and Outreach BMPs**

<b>BMP Category</b>	<b>BMP Responsibility and Description</b>	<b>Measurable Goals (Audience)</b>	<b>BMP Frequency/ Timeline</b>
1.1 Website	<b>Public Information</b> City will develop a stormwater page containing stormwater information, links to SWMP, NOI, and annual report.	-Contact representative individuals for interest in participation. -Record number of yearly outreach efforts and result. (General public)	Website will be reviewed for updates annually.
1.2 Local Outreach Group	<b>Public Works</b> The City will participate with a stormwater outreach group such as STORM.	City will attend meetings and provide yearly summary of activities in annual report. (General public)	Ongoing
1.3 Printed Materials	<b>Public Works</b> City will develop and distribute educational brochures and other materials for various audiences such as HOAs, students, seniors, etc. Brochures will be available at public events.	-Document number and type of brochures distributed. (HOA, students, seniors, etc.)	Ongoing
1.4 HOA Outreach	<b>Public Works</b> Inform HOAs of their responsibility to maintain stormwater facilities and prevent illicit discharges by attending at least one HOA meetings.	Record number of meetings attended. (HOA members)	1 per year minimum
1.5 Special Event	<b>Public Works</b> Inform the public of stormwater pollution prevention practices local events.	Record number of events attended and people who visited. (General public)	1 per year minimum



**Table 2 - Public Involvement and Participation BMPs**

<b>BMP Category</b>	<b>BMP Responsibility and Description</b>	<b>Measurable Goals</b>	<b>BMP Frequency/ Timeline</b>
2.1 Implement Public Notices	<b>Public Communications</b> The City will comply with state and local public notice requirements when implementing a change to the SWMP.	Document public notice efforts and record number of comments.	1 per SWMP update or yearly
2.2 Public Reporting	<b>Public Works</b> The City will maintain website to allow public to request services and report complaints. Reporting via app for smartphones also available.	Record number of complaints and response time annually.	Annually
2.3 Household Hazardous Waste (HHW) Program	<b>Public Works Sanitation Division</b> In partnership with Pinal County and other area communities, City residents can participate in an annual HHW collection event.	Record amount of hazardous waste collected each year.	Annually



**Table 3 - Illicit Discharge Detection and Elimination BMPs**

<b>BMP Category</b>	<b>BMP Responsibility and Description</b>	<b>Measurable Goals</b>	<b>BMP Frequency/ Timeline</b>
3.1 Eliminating Illicit Discharges	<b>Public Works</b> Identify and eliminate illicit discharges.	City will investigate 100% of legitimate illicit discharge reports within 2 business days of notification/identification. City will record number of illicit discharges reported each year.	Ongoing
3.2 Visual Monitoring	<b>Public Works</b> City will perform visual inspections at known stormwater outfalls.	City will record number of inspections performed annually and will inspect 20% of known outfalls	Ongoing
3.3 Unpermitted Discharges	<b>Public Works</b> City will identify unpermitted facilities and activities which required AZPDES permits. City will record number of facilities and activities contacted and report unpermitted facilities and activities found, if any to ADEQ.	12 construction sites and 10% of industrial facilities per year minimum	Ongoing
3.4 Staff Training	<b>Public Works</b> Annual training of appropriate staff.	City will record number of employees who received stormwater training each year.	Once annually



**Table 4 - Construction Site Runoff Control BMPs**

<b>BMP Category</b>	<b>BMP Responsibility and Description</b>	<b>Measurable Goals</b>	<b>BMP Frequency/ Timeline</b>
4.1 Written Procedure	<b>Development Center</b> City will develop and implement a formal procedure for site plan review, approval, and inspection of construction projects for stormwater compliance.	Maintain written procedures and track number of Construction Development Permits issued.	Ongoing
4.2 Contractor Education	<b>Public Works</b> City will distribute brochures, and inspection forms to contractors when applying for a construction permit.	Provide brochures to 100% of construction permit applicants.	Ongoing
4.3 Staff Training	<b>Public Works</b> Annual training of appropriate staff.	City will record number of employees who received stormwater training each year.	Once annually
4.4 Construction Inventory	<b>Public Works</b> City will maintain an inventory of active construction sites.	100% of construction sites that disturb 1 acre or more will be available in a searchable inventory. Number of active sites each year will be recorded in annual report.	1 per year minimum
4.5 Construction Site Inspections and Enforcement	<b>Public Works</b> The City will perform site inspections and perform corrective actions as needed.	City will record number of inspections conducted each year.	Ongoing



**Table 5 - Post Construction Runoff Control BMPs**

<b>BMP Category</b>	<b>BMP Responsibility and Description</b>	<b>Measurable Goals</b>	<b>BMP Frequency/ Timeline</b>
5.1 Stormwater Control Inventory	<b>Public Works</b> The City will maintain a GIS database of stormwater facility as-built plans.	City will record number of new entries inventoried each year.	Ongoing
5.2 Enforcement Procedures	<b>Public Works</b> The City will enforce code requirements and follow the ERP.	City will review enforcement procedures annually and report the number of violations.	Ongoing
5.3 Site Plan Review Procedures	<b>Development Center</b> City will perform plan review to evaluate and approve post-construction stormwater controls.	City will record number of Site Plans that have been reviewed each year.	Ongoing
5.4 O&M of Post-Construction BMPs	<b>Public Works</b> City will perform inspections of post-construction BMPs. Private infrastructure on a compliant driven basis, and 10% of municipally maintained structures each year.	Inspection 10% of post-construction BMPs annually.	Ongoing



**Table 6 - Pollution Prevention/Good Housekeeping BMPs**

<b>BMP Category</b>	<b>BMP Responsibility and Description</b>	<b>Measurable Goals</b>	<b>BMP Frequency/ Timeline</b>
6.1 Municipal Operations Inventory	<b>Public Works</b> City will develop a prioritized inventory of municipal facilities.	City will record number of facilities inspected each year and will review/update the inventory at least annually.	Update inventory annually
6.2 Inspect Municipal Facilities	<b>Public Works</b> City will develop a municipal facility inspection program when appropriate and in response to inspection findings.	20% of Low Priority facilities will be inspected annually, Medium Priority facilities will be inspected every 2 years, and High Priority facilities will be inspected annually.	Ongoing
6.3 Non- Structural Controls	<b>Streets &amp; Maintenance</b> City will implement non-structural control practices such as street sweeping, vehicle maintenance, retention basin cleaning and inspection, etc.	-City will review in-place controls each year. -City will record number of public basins that are maintained each year.	Ongoing
6.4 Staff Training	<b>Public Works</b> Yearly training for all applicable City personnel.	City will record number of employees who received stormwater training.	1 per year minimum



**Table 7 - Program Management Requirements**

<b>Reporting and Assessment</b>	<b>Frequency</b>	<b>Timeframe</b>
Annual Report	Annually	September 30
Self-Evaluation	Annually	September 30
Discharge Monitoring Reports	Annually	September 30
Storm Sewer System Mapping - Keep maps current	Update as new stormwater systems come online	Ongoing
Enforcement Response Plan - Develop the Enforcement Response Plan addressing illicit discharge, construction site and post construction site program enforcement.	Implement ongoing	Within 24 months of obtaining coverage





## **Appendix**





## **ACRONYMS AND DEFINITIONS**



## **ACRONYMS**

The following is a list of acronyms and abbreviations that are used in this document.

AAC	Arizona Administration Code
ADEQ	Arizona Department of Environmental Quality
ARS	Arizona Revised Statute
ATD	Authorization to Discharge
AZPDES	Arizona Pollutant Discharge Elimination System
BMP(s)	Best Management Practice(s)
CDP	Construction Development Permit
CWA	Clean Water Act
DMR	Discharge Monitoring Report
ECP	Erosion Control Plan
EPA	Environmental Protection Agency
ERP	Enforcement Response Plan
GIS	Geographic Information System
HHW	Household Hazardous Waste
HOA	Homeowners Association
IC	Illicit Connection
ID	Illicit Discharge
IDDE	Illicit Discharge Detection and Elimination
MCM(s)	Minimum Control Measure(s)
MEP	Maximum Extent Practicable
MS4	Municipal Separate Storm Sewer System
MSGP	Multi-Sector General Permit
NOI	Notice of Intent



NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
OAW	Outstanding Arizona Water
O&M	Operations and Maintenance
SOP	Standard Operating Procedure
STORM	Stormwater Outreach for Regional Municipalities
SWMP	Stormwater Management Plan
TMDL	Total Maximum Daily Load



## DEFINITIONS

*Arizona Pollutant Discharge Elimination System (AZPDES)* - The ADEQ implementation of the EPA program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under the Clean Water Act.

*Best Management Practices (BMPs)* - Measures or practices used to prevent or minimize the amount of pollution entering surface waters. BMPs may take the form of a process, activity, or physical structure.

*Discharge* - The conveyance, channeling, runoff, or drainage stormwater (including snowmelt) from a site.

*Minor Spills* - Spills that have a volume less than the reportable quantity, can be controlled and cleaned up with onsite resources, do not contaminate the environment, and do not cause injury to personnel.

*National Pollutant Discharge Elimination System (NPDES)* - The EPA program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits as well as imposing and enforcing pretreatment requirements under the Clean Water Act.

*Non-stormwater discharge* - Any discharge not comprised entirely of stormwater except discharges authorized by a NPDES/AZPDES permit.

*Nonstructural BMPs* - Practices that will reduce or eliminate the transfer of pollutants to stormwater and do not require installation of permanent structural devices to treat runoff.

*Outfall* - Any discernible stormwater conveyance (e.g., pipe, ditch, swale, canal) that discharges to waters of the state or to a separate municipal storm system. See also point source discharge.

*Point Source Discharge* - Any discernible, confined, and discrete conveyance, including pipes, ditches, channels, tunnels, conduits, and wells.

*Pollutant* - Any dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into stormwater.

*Precipitation* - Any form of rain or snow.

*Run-on* - Stormwater surface flow or other surface flow that enters the site other than that where it originated.

*Runoff* - Part of precipitation, snowmelt, or irrigation water that leaves the land into streams or other surface water. It can carry pollutants from the air and land into the receiving waters.

*Secondary Containment* - Structures surrounding tanks or other storage containers that are designed to catch spilled material from the storage containers. Secondary containment must provide spill containment for the contents of the single largest tank within the containment structure plus sufficient freeboard to allow for the 25-year, 24-hour storm event.

*Stormwater* - Stormwater runoff, snowmelt runoff, and surface runoff and drainage.

*Structural BMPs* - Permanent structural devices that will reduce or eliminate pollutants discharge into stormwater runoff.





## **NOTICE OF INTENT**





# NOTICE OF INTENT (NOI)

for Arizona Pollutant Discharge Elimination System  
(AZPDES) Small Municipal Separate Storm Sewer  
System (MS4) General Permit  
(AZG2016-002)

Regulated small Municipal Separate Storm Sewer Systems (MS4s) must submit a Notice of Intent (NOI) to the Arizona Department of Environmental Quality (ADEQ) to obtain MS4 general permit coverage. Permittees must complete a NOI form and submit the original, ink-signed document to the address below:

Arizona Department of Environmental Quality  
Surface Water Section/ Stormwater & General Permits Unit (5415A-1)  
1110 West Washington Street  
Phoenix, AZ 85007

## A. SMALL MS4 INFORMATION

Legal Name of Municipality or Organization:

City of Casa Grande

Choose one:

☐

Existing Permittee

☒

New Permittee

Operator Type:

City

Mailing Address:

510 East Florence Boulevard

County:

Pinal

City:

Casa Grande

State:

Arizona

Zip Code:

85122

Latitude/ Longitude at approximate geographic center of MS4 (D/M/S):

32°53'32.3"N 111°44'9.3"W

## B. PRIMARY MS4 PROGRAM MANAGER CONTACT PERSON

Name:

Abdul Rashid

Title:

Civil Engineer

Department:

Public Works

Mailing Address:

3181 North Lear Avenue

City:

Casa Grande

State:

Arizona

Zip Code:

85122

Phone Number:

(520) 421-8625 Ext. 3342

Fax Number:

(520) 421-8626

Email Address:

arashid@casagrandeaz.gov

Has another governmental entity agreed to satisfy any of your permit obligations?

☐

Yes

☒

No

If "yes" to the above question, name the other governmental entity and describe the agreement(s) between entities:

Click here to enter text.



### C. BILLING INFORMATION

Same as Primary MS4 Program Manager Contact Person Information?

If "yes," proceed to Section D.

☒ Yes

☐ No

Name:

Click here to enter text.

Title:

Click here to enter text.

Department:

Click here to enter text.

Mailing Address:

Click here to enter text.

City:

Click here to enter text.

State:

Click here to enter text.

Zip Code:

Click here to enter text.

Phone Number:

Click here to enter text.

Fax Number:

Click here to enter text.

Email Address:

Click here to enter text.

### D. ENFORCEMENT AUTHORITY OR OTHER MECHANISM

Illicit Discharge Detection and Elimination (IDDE) Enforcement Authority or other mechanism established?

☐ Yes

☒ No

Describe IDDE Enforcement Authority or other mechanism:

The City of Casa Grande is in the process of drafting an ordinance providing appropriate legal authority to implement the SWMP.

Name of Enforcement Authority or other mechanism:

Click here to enter text.

Effective Date or Estimated Date of Adoption:

9/30/2018

Construction Site Stormwater Runoff Enforcement Authority or other mechanism established?

☐ Yes

☒ No

Describe Construction Site Stormwater Enforcement Authority or other mechanism:

The City of Casa Grande is in the process of drafting an ordinance providing appropriate legal authority to implement the SWMP.

Name of Enforcement Authority or other mechanism:

Click here to enter text.

Effective Date or Estimated Date of Adoption:

9/30/2018

Post-Construction Stormwater Management Enforcement Authority or other mechanism established?

☐ Yes

☒ No

Describe Post-Construction Enforcement Authority or other mechanism:

The City of Casa Grande is in the process of drafting an ordinance providing appropriate legal authority to implement the SWMP.

Name of Enforcement Authority or other mechanism:

Click here to enter text.

Effective Date or Estimated Date of Adoption:

9/30/2018



## E. MAPPING COMPONENTS

1. Stormwater Sewer Mapping (including roads with drainage system, municipal streets, catch basins, curbs, gutter, ditches, man-made channels, or storm drains that are owned or operated by the permittee and convey stormwater to Waters of the US)

Percent Complete at time of NOI submission  
20%

If 100% of requirements are NOT met for an existing permittee and for all new permittees, include a timeline, measurable goals, and estimated date of completion (MM/YY) for Stormwater Sewer Mapping:

Remaining MS4 will be mapped by City personnel or their consultant at approximately 20% per year. Mapping will be complete by 09/2020.

2. Outfall Mapping

Percent Complete at time of NOI submission  
10%

If 100% of requirements are NOT met for an existing permittee and for all new permittees, include a timeline, measurable goals, and estimated date of completion (MM/YY) for Outfall Mapping:

Remaining outfalls will be mapped by City personnel or their consultant at approximately 20-25% per year. Mapping will be complete by 09/2020.

3. Identification of Receiving Waters (names and locations of all the Waters of the US that receive discharge from those outfalls)

Percent Complete at time of NOI submission  
80%

If 100% of requirements are NOT met for an existing permittee and for all new permittees, include a timeline, measurable goals, and estimated date of completion (MM/YY) for Receiving Water Identification:

Remaining sections of receiving waters will be mapped by City personnel or their consultant by 09/2018.

## F. SUMMARY OF RECEIVING WATERS

Does the MS4 have outfalls that discharge to Waters listed in A.A.C. R18-11 Article 1, Appendix B?

☒ Yes

☐ No

If "yes" the MS4 discharges to receiving water(s) listed in A.A.C. R18-11 Article 1, Appendix B, then the following section must be completed. If "no" discharges occur to receiving water(s) listed in A.A.C. R18-11 Article 1, Appendix B, then the following section does not need to be filled out, proceed to Section G. If you answer "yes," the receiving water segment is Impaired, Not-Attaining or an Outstanding Arizona Water (OAW), you must also complete Part H.3- Impaired, Not-Attaining and OAWs and BMPs.

Identify Appendix B surface water(s) that receives discharge(s) from the MS4	Number of outfalls discharging to receiving water?	Is the receiving water listed as an Impaired, Not-Attaining or OAW (choose one)?	List Pollutant(s) causing the Impairment(s):	Does the receiving water have a TMDL?
North Branch Santa Cruz Wash	>10	No	Click here to enter text.	No
Santa Cruz Wash	>10	No	Click here to enter text.	No
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## G. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY

### G-1. MCM 1: Public Education and Outreach

For MCM 1- Public Education and Outreach, use the pull down menu to indicate the BMP Category (column 1). You may override the selection and type in your own BMP. Include a brief description of the BMP (column 2) including the personnel position or department(s) responsible. Describe the Measureable Goals (column 3) for each BMP, including the targeted audience such as commercial, construction, industrial or residential for MCM 1. Column 3 should include milestones, timeframes and frequencies. Insert the month and year (MM/YY) in the Start Date (column 4) to indicate the date the BMP was initiated or enter your own text to override the selection.

BMP Category (enter your own text to override the drop down menu)	BMP Description (include personnel position or department responsible)	Measurable Goals (include milestones, timeframes and frequencies) and include the Targeted Audience	Start Date (MM/YY) (enter your own text to override the drop down menu)
1.1 Website	Public Information- City will develop stormwater page containing stormwater information, links to SWMP and NOI.	City will develop and maintain a stormwater website. (General public)	10/17
1.2 Local Outreach Group	Public Works- City will participate with a stormwater outreach group (STORM).	City will attend meetings and provide yearly summary of activities in annual report. (General public)	10/16
1.3 Printed Materials	Public Works- City will distribute printed materials and STORM documents to public.	City will record number and type of materials distributed in its annual report. (Homeowners, contractors, senior center, children and agricultural)	10/17
1.4 HOA Outreach	Public Works- City will inform HOAs of their responsibility to maintain stormwater facilities.	City will record number of HOAs contacted in its annual report. Attend 1 HOA meeting minimum per year. (HOA members)	10/17
1.5 Special Event	Public Works- City will inform public of stormwater pollution prevention practices local events (such as Cowboy Days and O'odham Tash).	City will participate in 1 event per year and record number of people who visited the stormwater booth. (Event attendees)	10/17
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
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Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
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### **MCM 1: Public Education and Outreach**

Use this space to add any additional information for MCM1:

[Click here to enter text.](#)



## G-2. MCM 2: Public Involvement and Participation

For MCM 2- Public Involvement and Participation, use the pull down menu to indicate the BMP Category (column 1). You may override the selection and type in your own BMP. Include a brief description of the BMP (column 2) including the personnel position or department(s) responsible. Describe the Measureable Goals (column 3) for each BMP. Column 3 should include milestones, timeframes and frequencies. Insert the month and year (MM/YY) in the Start Date (column 4) to indicate the date the BMP was initiated or enter your own text to override the selection.

BMP Category (enter your own text to override the drop down menu)	BMP Description (include personnel position or department responsible)	Measurable Goals (include milestones, timeframes and frequencies)	Start Date (MM/YY) (enter your own text to override the drop down menu)
2.1 Implement Public Notices	Public Works- City will notify the public when implementing a change to the SWMP.	Document public notice efforts for each SWMP revision.	10/17
2.2 Public Reporting	Public Works- City will maintain its website and reporting hotline to allow the public to request services and report complaints. A smartphone app is also available.	Record number of complaints and response times annually.	10/17
2.3 Household Hazardous Waste (HHW) Program	Public Works Sanitation Division- City will provide HHW program for its citizens.	Record amount of hazardous waste collected annually.	10/17
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
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## **MCM 2: Public Involvement and Participation**

Use this space to add any additional information about MCM2:

[Click here to enter text.](#)



### G-3. MCM 3: Illicit Discharge Detection and Elimination (IDDE) Program

For MCM 3- Illicit Discharge Detection and Elimination (IDDE) Program, use the pull down menu to indicate the BMP Category (column 1). You may override the selection and type in your own BMP. Include a brief description of the BMP (column 2) including the personnel position or department(s) responsible. Describe the Measurable Goals (column 3) for each BMP. Column 3 should include milestones, timeframes and frequencies. Insert the month and year (MM/YY) in the Start Date (column 4) to indicate the date the BMP was initiated or enter your own text to override the selection.

BMP Category (enter your own text to override the drop down menu)	BMP Description (include personnel position or department responsible)	Measurable Goals (include milestones, timeframes and frequencies)	Start Date (MM/YY) (enter your own text to override the drop down menu)
3.1 Eliminating Illicit Discharges	Public Works- Identify and eliminate illicit discharges.	Record number of illicit discharge reports and the City's investigation response time. (100% of reports will be investigated within 2 business days.)	10/17
3.2 Dry Weather Screening	Public Works- City will perform dry weather inspections of outfalls to identify and follow-up potential illicit discharges.	Record number of inspections performed annually. (20% of known outfalls inspected annually.)	10/17
3.3 Wet Weather Monitoring	Public Works- City will inspect 5 outfalls during each wet season to identify potential illicit discharges.	Record monitoring results and include in annual report. (2 inspections per outfall each wet season, annually.)	10/17
3.4 Unpermitted Discharges	Public Works- City will verify the AZPDES permitting status for construction sites and industrial facilities.	City will report the number of construction sites and businesses contacted who may require permit coverage through ADEQ. City will verify up to 12 construction sites and 10% of industrial facilities annually.	10/17
3.5 Staff Training	Public Works- City will train appropriate staff on IDDE program elements including recognizing and reporting illicit discharges.	City will record number of staff who received training. (Applicable staff will be trained once per year.)	10/17
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Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.



### **MCM 3: Illicit Discharge Detection and Elimination (IDDE) Program**

Use this space to add any additional information about MCM3:

[Click here to enter text.](#)



#### G-4. MCM 4: Construction Activity Stormwater Runoff Control

For MCM 4- Construction Activity Stormwater Runoff Control, use the pull down menu to indicate the BMP Category (column 1). You may override the selection and type in your own BMP. Include a brief description of the BMP (column 2) including the personnel position or department(s) responsible. Describe the Measureable Goals (column 3) for each BMP. Column 3 should include milestones, timeframes and frequencies. Insert the month and year (MM/YY) in the Start Date (column 4) to indicate the date the BMP was initiated or enter your own text to override the selection.

BMP Category (enter your own text to override the drop down menu)	BMP Description (include personnel position or department responsible)	Measurable Goals (include milestones, timeframes and frequencies)	Start Date (MM/YY) (enter your own text to override the drop down menu)
4.1 Written Procedure	Development Center- City will develop and implement a formal procedure for site plan review, approval and inspection of construction projects for stormwater compliance.	City will record number of stormwater inspections, plan reviews, and enforcement actions taken. ECPs, NOIs, and ATDs will be required before construction can begin.	10/17
4.2 Operator Education	Public Works- City will provide contractor education through brochures and onsite training.	City will record number of construction site operators who received informational stormwater brochures	10/17
4.3 Staff Training	Public Works- Staff will receive refresher training on construction site inspections.	City will record number of employees who received construction stormwater inspection training. (Applicable staff will be trained once per year.)	10/17
4.4 Construction Inventory	Public Works- City will maintain an inventory of active construction sites in GIS.	Active construction sites will be available in a searchable inventory. Number of active sites each year will be recorded in annual report.	010/17
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.



**MCM 4: Construction Activity Stormwater Runoff Control**

Use this space to add any additional information about MCM4:

[Click here to enter text.](#)



### G-5. MCM 5: Post-Construction Stormwater Management in New Development and Redevelopment

For MCM 5- Post-Construction Stormwater Management in New Development and Redevelopment, use the pull down menu to indicate the BMP Category (column 1). You may override the selection and type in your own BMP. Include a brief description of the BMP (column 2) including the personnel position or department(s) responsible. Describe the Measureable Goals (column 3) for each BMP. Column 3 should include milestones, timeframes and frequencies. Insert the month and year (MM/YY) in the Start Date (column 4) to indicate the date the BMP was initiated or enter your own text to override the selection.

BMP Category (enter your own text to override the drop down menu)	BMP Description (include personnel position or department responsible)	Measurable Goals (include milestones, timeframes and frequencies)	Start Date (MM/YY) (enter your own text to override the drop down menu)
5.1 Stormwater Control Inventory	Public Works- City will maintain a searchable database of stormwater structures that discharge to the MS4.	City will record number of new entries inventoried annually.	10/17
5.2 Enforcement Procedures	Public Works- City will enforce code pertaining to private infrastructure by following ERP.	City will review enforcement procedures annually. (Code Enforcement Officers will report number of violations annually.)	10/18
5.3 Site Plan Review Procedures	Development Center- City will perform plan review to evaluate and approve post-construction stormwater controls.	City will record number of plans reviewed annually.	10/17
5.4 O&M of Post-Construction BMPs	Public Works- City will conduct as-needed inspections and follow up on post-construction BMPs.	City will record the number of post-construction BMPs inspected. 10 % of municipally maintained structures will be inspected annually.	10/17
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.



## **MCM 5: Post-Construction Stormwater Management in New Development and Redevelopment**

Use this space to add any additional information about MCM5:

[Click here to enter text.](#)



## G-6. MCM 6: Pollution Prevention and Good Housekeeping

For MCM 6- Pollution Prevention and Good Housekeeping, Insert the Facility Name applicable to the MS4. Use the pull down menu to indicate the BMP Category (column 1). You may override the selection and type in your own BMP. Include a brief description of the BMP (column 2) including the personnel position or department(s) responsible. Describe the Measureable Goals (column 3) for each BMP. Column 3 should include milestones, timeframes and frequencies. Insert the month and year (MM/YY) in the Start Date (column 4) to indicate the date the BMP was initiated or enter your own text to override the selection. For those BMPs that are not Facility specific, use the rows after the Facility Name inserts.

BMP Category (enter your own text to override the drop down menu)	BMP Description (include personnel position or department responsible)	Measurable Goals (include milestones, timeframes and frequencies)	Start Date (MM/YY) (enter your own text to override the drop down menu)
Insert Facility Name: Click here to enter text.			
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Insert Facility Name: Click here to enter text.			
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Insert Facility Name: Click here to enter text.			
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Insert Facility Name: Click here to enter text.			
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Insert Facility Name: Click here to enter text.			
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Insert Facility Name: Click here to enter text.			
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Insert Pollution Prevention and Good Housekeeping BMPs that are not facility specific below			
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
6.1 Municipal Operations Inventory Prioritization	Public Works- City will develop a prioritized inventory of municipal operations and facilities.	City will keep facility inspection reports on file. (Each facility will be inspected per prioritization schedule.)	10/17
6.2 Inspect Municipal Facilities	Public Works- City will develop a municipal facility inspection program and update the program when appropriate and in response to inspection findings.	City will inspect municipal facilities. 20% of Low priority facilities will be inspected annually, Medium priority facilities will be inspected every 2 years, and High priority facilities will be inspected annually.	10/17



6.3 Non-Structural Controls	Streets & Maintenance- City will develop maintenance and inspection procedures for non-structural controls.	Maintenance procedures include mowing and grading ditches and street sweeping.	10/17
6.4 Staff Training	Public Works- City will develop and implement employee training.	City will record number of employees who received training. (Appropriate staff will be trained once per year.)	10/17
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.



### **MCM 6 Pollution Prevention and Good Housekeeping**

Use this space to add any additional information about MCM6:

[Click here to enter text.](#)



## H. MONITORING

### 1. DRY WEATHER VISUAL OUTFALL MONITORING

Has a dry weather visual discharge monitoring program been developed?

☐ Yes

☒ No

If the above answer is "yes," provide the actual date of implementation:

[Click here to enter a date.](#)

If the above answer is "no," provide estimated date of completion:

9/30/2017

Estimated total number of municipal stormwater  
outfalls

TBD

Percent of total number of municipal stormwater outfalls to be  
monitored each year

20%

### 2.A VISUAL STORMWATER DISCHARGE MONITORING

Below identify a minimum of five outfalls or field screening points for the visual stormwater discharge monitoring program

Outfall or field screening point identification number	Name of receiving water	Is the receiving water listed as an Impaired, Not-Attaining or OAW (choose one)?
Outfall 1 - TBD	N. Branch Santa Cruz Wash Or Santa Cruz Wash	No
Outfall 2 - TBD	N. Branch Santa Cruz Wash Or Santa Cruz Wash	No
Outfall 3 - TBD	N. Branch Santa Cruz Wash Or Santa Cruz Wash	No
Outfall 4 - TBD	N. Branch Santa Cruz Wash Or Santa Cruz Wash	No
Outfall 5 - TBD	N. Branch Santa Cruz Wash Or Santa Cruz Wash	No

### 2.B VISUAL STORMWATER DISCHARGE MONITORING ALTERNATIVE

Are you proposing a visual stormwater discharge monitoring alternative?

☐ Yes

☒ No

If "yes" a visual stormwater discharge monitoring alternative is being proposed, provide a description of the proposed alternative and how the proposed alternative is as effective as, or is more effective than, visual stormwater discharge monitoring in the space below.

[Click here to enter text.](#)

### 3. IMPAIRED, NOT-ATTAINING AND OAW MONITORING AND BMPs

Part H.3 is to be completed only if the MS4 has outfalls that discharge to an Impaired, Not-Attaining or Outstanding Arizona Water (OAW), or a combination thereof.

Has a Sampling and Analysis Plan (SAP) been developed in accordance with permit Part 5.1.g?

☐ Yes

☐ No

If the above answer is "no," provide an estimated date of completion for the SAP:

[Click here to enter a date.](#)



List each individual receiving water that is Impaired, Not-Attaining or an OAW that the MS4 discharges to	How many outfalls will be sampled?	List outfall ID or unique identification	List parameter(s) to be analyzed	Provide a description of how the selected BMPs will specifically address the pollutant(s) causing the impairments or how the BMPs will be protective of the OAW
Click here to enter text.		Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.		Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.		Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.		Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.		Click here to enter text.	Click here to enter text.	Click here to enter text.

## I. NOTES AND ADDITIONAL INFORMATION

Use the space below to provide any additional information about the MS4 program.

Click here to enter text.

## J. FEES

Fill out either Part A for a New Permittee or Part B for an Existing Permittee. If a New Permittee, choose one check box below to indicate the MS4s population and applicable initial permit fee. Insert the total payment included with the NOI in the text box. If an Existing Permittee, choose one check box below to indicate the MS4s population. Note: The estimated MS4 population should be based on latest Decennial Census by the Bureau of Census.

### Part A

☒ New Permittee.

I confirm the correct fee payment is included with the NOI.

- ☐ <or = to 10,000: \$2,500  
☒ >10,000 but ≤ 100,000: \$5,000  
☐ > 100,000: \$7,500  
☐ Non-traditional MS4 such as hospital, college or military: \$5,000

Total fee payment included: \$5000.00

### Part B

☐ Existing Permittee.

No fee is required for NOI submission. You will continue to be invoiced on your current annual fee billing cycle.

- ☐ <or = to 10,000  
☐ >10,000 but ≤ 100,000  
☐ > 100,000  
☐ Non-traditional MS4 such as hospital, college or military

## K. CERTIFICATION

Pursuant to A.R.S. § 41-1030:

(1) ADEQ shall not base a licensing decision, in whole or in part, on a requirement or condition not specifically authorized by statute or rule. General authority in a statute does not authorize a requirement or condition unless a rule is made pursuant to it that specifically authorizes the requirement or condition.

(2) Prohibited licensing decisions may be challenged in a private civil action. Relief may be awarded to the prevailing party against ADEQ, including reasonable attorney fees, damages, and all fees associated with the license application.

(3) ADEQ employees may not intentionally or knowingly violate the requirement for specific licensing authority. Violation is cause for disciplinary action or dismissal, pursuant to ADEQ's adopted personnel policy. ADEQ employees are still afforded the immunity in A.R.S. §§ 12-821.01 and 12-820.02.

I certify under penalty of law that I have met the eligibility conditions of this permit and that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the





information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I certify that I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Printed Name:

Terrence McKeon

Title:

Deputy Director of Public Works

Ink Signature

Date:

3.23.17





## **ORGANIZATION CHART AND RESPONSIBILITIES**



Many personnel and departments play a supporting and collaborative role in implementing this SWMP. The table below presents those positions with the largest roles in SWMP implementation.

Department	Title	Responsibility
Administration	Public Works Deputy Director	Signs NOI and responsible for overall implementation.
	Public Information	Maintains website and performs updates as needed.
Public Works	Deputy Director of Public Works	Oversees implementation of SWMP.
	Environmental Coordinator	Primarily responsible for SWMP implementation.
	Sanitation Supervisor	Assists in coordinating HHW events.
	Streets Superintendent and their designee	Cleans drainage inlets and stormwater systems
Planning and Development	City Planners	Review Planning and Zoning Permits and application documents.
	Code Enforcement Specialists	Assists in implementing stormwater ordinance, among other City ordinances.
	City Engineer	Oversees plan submittal and review process through the Development Center.





### **FORMS**

- IDDE Inspection / Investigation and Visual Monitoring Form
- Construction and Post Construction Site Tracking Form
- Facility Inspection Form



**IDDE INSPECTION/INVESTIGATION FORM  
CITY OF CASA GRANDE**



**Section 1: Background Data**

Outfall ID:	Date:	Time:
Inspector/Investigator:		
<input type="checkbox"/> Dry Weather Inspection <input type="checkbox"/> IDDE Investigation <input type="checkbox"/> 3-Day Follow-up Inspection <input type="checkbox"/> Visual Assessment (If so, check sampling description boxes below) <input type="checkbox"/> Sampling Event #1 <input type="checkbox"/> Sampling Event #2 <input type="checkbox"/> Summer Wet Season (6/1 - 10/1) <input type="checkbox"/> Winter Wet Season (11/1 – 5/31)		
Photos? <input type="checkbox"/> Yes <input type="checkbox"/> No      If yes, append photos to this report.		
Precipitation w/in last 72 hours? <input type="checkbox"/> Yes <input type="checkbox"/> No Approximate Rainfall (in) _____		Weather (approx. temp, etc.):
Land Use in Drainage Area (check all that apply):  <input type="checkbox"/> Industrial <input type="checkbox"/> Residential <input type="checkbox"/> Commercial	<input type="checkbox"/> Open Space Other: _____ Known Industries: _____	

**Section 2: Physical Indicators**

INDICATOR	DESCRIPTION	COMMENTS
Outfall Damage	<input type="checkbox"/> None <input type="checkbox"/> Spalling, Cracking or Chipping <input type="checkbox"/> Peeling Paint <input type="checkbox"/> Corrosion <input type="checkbox"/> Other: _____	
Deposits / Stains	<input type="checkbox"/> None <input type="checkbox"/> Oily <input type="checkbox"/> Flow Line <input type="checkbox"/> Paint <input type="checkbox"/> Other: _____	
Abnormal Vegetation	<input type="checkbox"/> None <input type="checkbox"/> Excessive <input type="checkbox"/> Inhibited	
Poor Water Quality	<input type="checkbox"/> None <input type="checkbox"/> Odors <input type="checkbox"/> Colors <input type="checkbox"/> Floatables <input type="checkbox"/> Oil Sheen <input type="checkbox"/> Suds <input type="checkbox"/> Excessive Algae <input type="checkbox"/> Other: _____	
Pipe Algae Growth	<input type="checkbox"/> None <input type="checkbox"/> Brown <input type="checkbox"/> Orange <input type="checkbox"/> Green <input type="checkbox"/> Other: _____	
Do physical indicators suggest an illicit discharge has occurred? <input type="checkbox"/> No <input type="checkbox"/> Yes		
Flow Present?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe: <input type="checkbox"/> Trickle <input type="checkbox"/> Moderate <input type="checkbox"/> Substantial   And go to Section 3. If no flow and no physical indicators, skip to Section 4 and close investigation. If no flow but physical indicators are present, skip to Section 4 and schedule 3-Day Follow-Up.	



INDICATOR	CHECK if Absent	DESCRIPTION	RELATIVE SEVERITY INDEX (1-3)		
Odor	<input type="checkbox"/> (No odor)	<input type="checkbox"/> Sewage <input type="checkbox"/> Rancid/Sour <input type="checkbox"/> Sulfide <input type="checkbox"/> Laundry <input type="checkbox"/> Petro/gas <input type="checkbox"/> Other: _____	<input type="checkbox"/> 1-Faint	<input type="checkbox"/> 2-Easily detected	<input type="checkbox"/> 3-noticeable from a distance
Color	<input type="checkbox"/> (Colorless)	<input type="checkbox"/> Gray <input type="checkbox"/> Brown <input type="checkbox"/> Yellow <input type="checkbox"/> Green <input type="checkbox"/> Red/Orange <input type="checkbox"/> Multicolor <input type="checkbox"/> Other: _____	<input type="checkbox"/> 1-Faint color visible in sample bottle	<input type="checkbox"/> 2-Color clearly visible in sample bottle	<input type="checkbox"/> 3-Clearly visible in outfall flow
Turbidity	<input type="checkbox"/> (Clear)	See severity	<input type="checkbox"/> 1-Slightly cloudy	<input type="checkbox"/> 2-Cloudy	<input type="checkbox"/> 3-Opaque
Floatables – does not include trash!	<input type="checkbox"/> (Clean)	<input type="checkbox"/> Sewage <input type="checkbox"/> Suds/Foam <input type="checkbox"/> Oil sheen <input type="checkbox"/> Plant Debris <input type="checkbox"/> Other: _____	<input type="checkbox"/> 1-Few/slight; origin not obvious	<input type="checkbox"/> 2-Some indications of origin	<input type="checkbox"/> 3-Some; origin obvious
Do physical indicators suggest an illicit discharge is present? (Y/N)					

[illegible]





**City of Casa Grande  
Stormwater Construction Site Inspection Report**

Contractor:		AZCON Number:	
Project Name			
Location			
Date of Inspection		Start Time:	End Time:
Describe present phase of construction			
Weather Information			
Weather at time of inspection?			
Do you suspect that discharges may have occurred? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, provide location(s) and a description of stormwater discharged from the site (presence of suspended sediment, turbid water, discoloration, and/or oil sheen)			
Non-Stormwater Discharges			
<i>Identify all non-stormwater discharges (i.e. water, other than stormwater, directed to a watercourse, storm drain, or off of the construction site):</i>			

**INSPECTION CHECKLIST**

BMP/Activity	Implemented	Compliance Issue #
Are perimeter controls and sediment barriers adequately installed and maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Are discharge points and receiving waters free of sediment deposits?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Are storm drain inlets properly protected?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Is there evidence of sediment being tracked into the street?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Is trash/litter from work areas collected and placed in dumpsters?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Are vehicle and equipment fueling, cleaning, material storage, and maintenance areas free of spills, leaks, or any other harmful material?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Are materials that are potential stormwater contaminants stored inside or under cover, where practicable?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Are there locations where additional BMPs are necessary?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Other issues noted?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

**INSPECTION NOTES**

NOTES	
Inspector Signature:	Date:





**City of Casa Grande**  
**STORMWATER POST-CONSTRUCTION INSPECTION REPORT**

<b>Inspector Information</b>		
Name:	Date:	
Title:	Time In:	
Phone:	Time Out:	
<b>Weather Information</b>		
Weather at time of inspection?		
Are there any discharges to or from the MS4 at the time of inspection?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you suspect that discharges to the MS4 may have occurred?		<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Facility Information</b> <span style="float: right;">If owned/operated by the City, check yes and skip section.   <input type="checkbox"/> Yes</span>		
Development/Facility Name		
Owner Name		
Owner Phone #		
Address or Location		
Parcel or Section #		
<b>Most Common Post-Construction Controls</b>		
Storm Drain Inlets and outlets	Vegetated Swales	Velocity Dissipaters
Catch Basins	Spillways	Drywells
Curb cuts	Piping	Permeable pavement or pavers
Retention Basins	Head and wing walls	Water Quality Treatment Structures (ie subsurface settling and infiltration, oil-water or sand separator, hydrodynamic separator, etc)
Detention Basins	Pump/lift stations	



**City of Casa Grande**  
**STORMWATER POST-CONSTRUCTION INSPECTION REPORT**

Post-Construction BMPs					
BMP Type	BMP Installed and Operation Properly?		Corrective Actions Needed (if yes, describe in notes):	Date for Corrective Action:	Date Corrective Action was Completed:
	Yes	No			
	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>			
<b>Owner Contacted?</b> (If Yes, provide date)				<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
<b>Photos?</b> (If Yes, attach to report)				<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
Notes					
Inspector Signature:				Date:	





**City of Casa Grande  
Facility Inspection Report**

<b>General Information:</b>		<b>Facility Ownership</b> <input type="checkbox"/> Municipal <input type="checkbox"/> Non-Municipal	
Facility Name			
Facility Contact Name			
Facility contact Number			
Location			
Date of Inspection		Start Time:	End Time:
Describe present phase of construction			
<b>Weather Information</b>			
Weather at time of inspection?			
Do you suspect that discharges may have occurred? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, provide location(s) and a description of stormwater discharged from the site (presence of suspended sediment, turbid water, discoloration, and/or oil sheen)			
<b>Non-Stormwater Discharges</b>			
<i>Identify all non-stormwater discharges (i.e. water, other than stormwater, directed to a watercourse, storm drain, or off of the construction site):</i>			

**INSPECTION CHECKLIST**

BMP/Activity	Implemented	Compliance Issue #
Are perimeter controls adequately installed and maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Are discharge points and receiving waters free of pollutants?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Are storm drain inlets discharging to the City properly protected?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Is there evidence of pollutants being tracked into the street?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Is trash/litter from work areas collected and placed in dumpsters?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Are vehicle and equipment fueling, cleaning, material storage, and maintenance areas free of spills, leaks, or any other harmful material?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Are materials that are potential stormwater contaminants stored inside or under cover, where practicable?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Are materials stored on an impervious surface and with secondary containment?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Are onsite containers appropriate, labeled, and in good condition?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Are adequate spill response materials available?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Are there locations where additional BMPs are necessary?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Other issues noted?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

**INSPECTION NOTES**

<b>NOTES</b>	
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	
Inspector Signature:	Date:





## **ORDINANCES**



**Title 18**  
**STORMWATER POLLUTION PREVENTION**

**Chapters:**

<b>18.04</b>	<b>DEFINITIONS</b>
<b>18.08</b>	<b>ILLICIT DISCHARGE TO THE STORM SEWER SYSTEM</b>
<b>18.12</b>	<b>CONSTRUCTION STORMWATER MANAGEMENT</b>
<b>18.16</b>	<b>POST-CONSTRUCTION STORMWATER MANAGEMENT</b>



## **Chapter 18.04 DEFINITIONS**

For the purposes of this ordinance, the following shall mean:

**ADEQ.** Arizona Department of Environmental Quality.

**Applicant.** Property owner or agent of a property owner who has filed an application for a stormwater management permit.

**Arizona Pollutant Discharge Elimination System (AZPDES) Storm Water Discharge Permit.** A permit issued by ADEQ pursuant to 33 USC§ 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**Best Management Practices (BMPs).** Schedules of activities, prohibitions of practices, general good house-keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**Building.** Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupies more than 100 square feet of area.

**Channel.** A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**City.** City of Casa Grande

**Clearing.** Any activity that removes the vegetative surface cover

**Construction Activity.** Activities subject to AZPDES Construction Permits. Currently these include construction projects resulting in land disturbance of one or more acres of land, or will disturb less than one acre, but is part of a common plan of development or sale that will ultimately disturb one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**Dedication.** The deliberate appropriation of property by its owner for general public use.

**Detention.** The temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

**Developer.** A person who undertakes land disturbance activities.

**Drainage Way.** Any channel that conveys surface runoff throughout the site.

**Erosion Control.** A measure that prevents erosion.



**Grading.** Excavation or fill of material, including the resulting conditions thereof.

**Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Illegal Discharge.** Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Chapter 18.08 of this ordinance.

**Illicit Connections.** An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a Public Works Director or their designee or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**Impervious Cover.** Those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways)

**Industrial Activity.** Activities subject to AZPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

**Infiltration.** The process of percolating stormwater into the subsoil.

**Land Disturbance Activities.** Activities which change the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

**Landowner.** The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights to the land.

**Maintenance Agreement.** A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

**MCFCDD.** Maricopa County Flood Control District.

**Nonpoint Source Pollution.** Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

**Non-Stormwater Discharge.** Any discharge to the storm drain system that is not composed entirely of stormwater.



**Perimeter Control.** A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

**Person.** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**Pollutant.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous materials and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**Premises.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**Phasing.** Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

**Public Works Director.** The Public Works Director for the City of Casa Grande.

**Redevelopment.** Any construction, alteration or improvement exceeding one or more acres of land, or will disturb less than one acre, but is part of a common plan of development in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.

**Sediment Control.** Measures that prevent eroded sediment from leaving the site.

**Site.** A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

**Site Development.** A permit issued by the municipality for the construction or alteration of ground

**Stabilization.** The use of practices that prevent exposed soil from eroding.

**Start of Construction.** The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

**Stop Work Order.** An order issued which requires that all construction activity on a site be stopped.

**Storm Drainage System.** Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**Stormwater.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.



**Stormwater Management.** The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

**Stormwater Pollution Prevention Plan (SWPPP).** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

**Stormwater Runoff.** Flow on the surface of the ground, resulting from precipitation.

**Stormwater Treatment Practices (STPs).** Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

**Wastewater.** Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

**Watercourse.** Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the City of Casa Grande.

**Waterway.** A channel that directs surface runoff to a watercourse or to the public storm drain



**Chapter 18.08**  
**ILLICIT DISCHARGE TO THE STORM SEWER SYSTEM**

**Sections:**

<b>18.08.010</b>	<b>PURPOSE/INTENT</b>
<b>18.08.020</b>	<b>APPLICABILITY</b>
<b>18.08.030</b>	<b>RESPONSIBILITY FOR ADMINISTRATION</b>
<b>18.08.040</b>	<b>SEVERABILITY</b>
<b>18.08.050</b>	<b>ULTIMATE RESPONSIBILITY</b>
<b>18.08.060</b>	<b>DISCHARGE PROHIBITIONS</b>
<b>18.08.070</b>	<b>SUSPENSION OF MS4 ACCESS</b>
<b>18.08.080</b>	<b>INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES</b>
<b>18.08.090</b>	<b>MONITORING OF DISCHARGES</b>
<b>18.08.100</b>	<b>REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES</b>
<b>18.08.110</b>	<b>WATERCOURSE PROTECTION</b>
<b>18.08.120</b>	<b>NOTIFICATION OF SPILLS</b>
<b>18.08.130</b>	<b>ENFORCEMENT</b>
<b>18.08.140</b>	<b>APPEAL OF NOTICE OF VIOLATION</b>
<b>18.08.150</b>	<b>ENFORCEMENT MEASURES AFTER APPEAL</b>
<b>18.08.160</b>	<b>COST OF ABATEMENT OF THE VIOLATION</b>
<b>18.08.170</b>	<b>INJUNCTIVE RELIEF</b>
<b>18.08.180</b>	<b>COMPENSATORY ACTION</b>
<b>18.08.190</b>	<b>VIOLATIONS DEEMED A PUBLIC NUISANCE</b>
<b>18.08.200</b>	<b>CRIMINAL PROSECUTION</b>
<b>18.08.210</b>	<b>REMEDIES NOT EXCLUSIVE</b>
<b>18.08.220</b>	<b>ADOPTION OF ORDINANCE</b>



#### **Section 18.08.010 Purpose/Intent**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the (AZPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user
- (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

#### **Section 18.08.020 Applicability**

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Public Works Director, or their designee.

#### **Section 18.08.030 Responsibility for Administration**

The Public Works Director or their designee shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Public Works Director or their designee may be delegated in writing by the Public Works Director to persons or entities acting in the beneficial interest of or in the employ of the agency.

#### **Section 18.08.040 Severability**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

#### **Section 18.08.050 Ultimate Responsibility**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend, nor imply, that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

#### **Section 18.08.060 Discharge Prohibitions**

##### Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards.

Any illegal discharge to the storm drain system is prohibited except as described as follows:



- (a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat, firefighting activities, and any other water source not containing Pollutants.
- (b) Discharges specified in writing by ADEQ as being necessary to protect public health and safety.
- (c) The prohibition shall not apply to any non-stormwater discharge permitted under an AZPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of ADEQ, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

#### Prohibition of Illicit Connections

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

#### **Section 18.08.070 Suspension of MS4 Access**

##### Suspension due to Illicit Discharges in Emergency Situations

The Public Works Director or their designee may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Public Works Director or their designee may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

##### Termination due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Public Works Director or their designee will notify a violator of the proposed termination of its MS4 access. The violator may petition the Public Works Director or their designee for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Public Works Director or their designee.

#### **Section 18.08.080 Industrial or Construction Activity Discharges**

Any person subject to an industrial or construction activity AZPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a



form acceptable to the Public Works Director or their designee prior to the allowing of discharges to the MS4.

#### **Section 18.08.090 Monitoring of Discharges**

##### **A. Applicability.**

This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

##### **B. Access to Facilities.**

- (a) The Public Works Director or their designee shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Public Works Director or their designee.
- (b) Facility operators shall allow the Public Works Director or their designee ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an AZPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- (c) The Public Works Director or their designee shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Public Works Director or their designee to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (d) The Public Works Director or their designee has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Public Works Director or their designee and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (f) Unreasonable delays in allowing the Public Works Director or their designee access to a permitted facility is a violation of a stormwater discharge permit and of this ordinance. A person who is the operator of a facility with an AZPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Public Works Director or their designee reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- (g) If the Public Works Director or their designee has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public



health, safety, and welfare of the community, then the Public Works Director or their designee may seek issuance of a search warrant from any court of competent jurisdiction.

**Section 18.08.100 Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices.**

The City will adopt requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid AZPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a SWPPP as necessary for compliance with requirements of the AZPDES permit.

**Section 18.08.110 Watercourse Protection**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

**Section 18.08.120 Notification of Spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Public Works Director or their designee in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.



### **Section 18.08.130 Enforcement**

#### **A. Notice of Violation.**

Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Public Works Director or their designee may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

### **Section 18.08.140 Appeal of Notice of Violation**

Any person receiving a Notice of Violation may appeal the determination of the Public Works Director or their designee. The notice of appeal must be received within 14 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

### **Section 18.08.150 Enforcement Measures after Appeal**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 14 calendar days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the Public Works Director or their designee shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

### **Section 18.08.160 Cost of Abatement of the Violation**

Within 14 calendar days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 14 calendar days. If the amount due is not paid within a timely



manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 5.0 percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

#### **Section 18.08.170 Injunctive Relief**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the Public Works Director or their designee may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

#### **Section 18.08.180 Compensatory Action**

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Public Works Director or their designee may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, wash cleanup, etc.

#### **Section 18.08.190 Violations Deemed a Public Nuisance**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

#### **Section 18.08.200 Criminal Prosecution**

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall, upon conviction, be guilty of a Class 1 misdemeanor, punishable by a fine not to exceed two thousand five hundred dollars (\$2,500) for each violation and/or by imprisonment up to six months. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

#### **Section 18.08.210 Recovery of Fees**

The Public Works Director or their designee may recover all attorney's fees, court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

#### **Section 18.08.220 Remedies Not Exclusive**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Public Works Director or their designee to seek cumulative remedies.



**Section 18.08.230 Severability**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.



**Chapter 18.12**  
**CONSTRUCTION STORMWATER MANAGEMENT**

**Sections:**

<b>18.12.010</b>	<b>INTRODUCTION/ PURPOSE</b>
<b>18.12.020</b>	<b>PERMITS</b>
<b>18.12.030</b>	<b>REVIEW AND APPROVAL</b>
<b>18.12.040</b>	<b>EROSION AND SEDIMENT CONTROL PLAN</b>
<b>18.12.050</b>	<b>DESIGN REQUIREMENTS</b>
<b>18.12.060</b>	<b>INSPECTION</b>
<b>18.12.070</b>	<b>ENFORCEMENT</b>
<b>18.12.080</b>	<b>SEVERABILITY</b>



### **Section 18.12.010 Introduction/ Purpose**

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers, ditches, and washes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the City. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land within the City.

### **Section 18.12.020 Permits**

- A) No person shall be granted a ~~site-~~I development permit for land-disturbing activity that would require the uncovering of one or more acres of land, or will disturb less than one acre, but is part of a common plan of development without the approval of a SWPPP by the City.
- B) Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.
- C) Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the SWPPP and that a certified contractor shall be on site on all days when construction or grading activity takes place.

### **Section 18.12.030 Review and Approval**

- A) The Public Works Director or their designee will review each application for a site development permit to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application Public Works Director or their designee shall, in writing:
  - 1) Approve the permit application;
  - 2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
  - 3) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

### **Section 18.12.040 Erosion and Sediment Control Plan**

- A) The Erosion and Sediment Control Plan shall include the following:
  - 1) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration



of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

- 2) All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
- B) Modifications to the plan, may be authorized by Public Works Director or their designee by written authorization to the permittee, and shall include
- 1) Major amendments of the erosion and sediment control plan submitted to Public Works Director or their designee
  - 2) Field modifications of a minor nature.

#### **Section 18.12.050 Design Requirements**

- A) Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the MCFCD Drainage Policies and Standards, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Public Works Director or their designee.
- B) Clearing and grading of natural resources, shall not be permitted, except when in compliance with all other chapters of this Code. Clearing techniques that retain natural vegetation and drainage patterns, as described in the MCFCD Drainage Policies and Standards, shall be used to the satisfaction of the Public Works Director or their designee.
- C) Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the Public Works Director or their designee.
- D) Erosion control requirements shall include the following:
- 1) Soil stabilization shall be completed within five days of clearing or inactivity in construction.
  - 2) If seeding or another vegetative erosion control method is used, it shall become established within two weeks or the Public Works Director or their designee may require the site to be reseeded or a nonvegetative option employed.
  - 3) Special techniques that meet the design criteria outlined in the MCFCD Drainage Policies and Standards on steep slopes or in drainage ways shall be used to ensure stabilization.
  - 4) Soil stockpiles must be stabilized or covered at the end of each workday.
  - 5) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
  - 6) Techniques shall be employed to prevent the blowing of dust or sediment from the site.
  - 7) Techniques that divert upland runoff past disturbed slopes shall be employed.



D) Sediment controls requirements shall include:

- 1) Settling basins, sediment traps, or tanks and perimeter controls.
- 2) Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required by the Public Works Director or their designee
- 3) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls

E) Construction site access requirements shall include:

- 1) A temporary access road provided at all sites.
- 2) Other measures required by the Public Works Director or their designee in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains

#### **Section 18.12.060 Inspection**

A) The Public Works Director or their designee shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the SWPPP as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the Public Works Director or their designee shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the Public Works Director or their designee at least two working days before the following:

- 1) Start of construction
- 2) Installation of sediment and erosion measures
- 3) Completion of final grading
- 4) Close of the construction season
- 5) Completion of final landscaping

B) The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved SWPPP. The purpose of such inspections will be to determine the overall effectiveness of the SWPPP and the need for additional control measures. All inspections shall be documented in written form and submitted to the Public Works Director or their designee at the time interval specified in the approved permit.

C) The Public Works Director or their designee shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports.

#### **Section 18.12.070 Enforcement**

A) Stop-Work Order; Revocation of Permit:



- (1) In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Public Works Director or their designee may suspend or revoke the site development permit.

**B) Violation and Penalties:**

- (1) No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a Class 1 misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than \$2,500.00 for each offense, per day. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

**Section 18.12.080 Severability**

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of any code or amendment adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.



**Chapter 18.16**  
**POST-CONSTRUCTION STORMWATER MANAGEMENT**

**Sections:**

<b>18.16.010</b>	<b>FINDINGS OF FACT</b>
<b>18.16.020</b>	<b>PURPOSE</b>
<b>18.16.030</b>	<b>APPLICABILITY</b>
<b>18.16.040</b>	<b>COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS</b>
<b>18.16.050</b>	<b>SEVERABILITY</b>
<b>18.16.060</b>	<b>PERMIT REQUIRED.</b>
<b>18.16.070</b>	<b>NOTICE OF CONSTRUCTION COMMENCEMENT</b>
<b>18.16.080</b>	<b>AS BUILT PLANS</b>
<b>18.16.090</b>	<b>LANDSCAPING AND STABILIZATION REQUIREMENTS</b>
<b>18.16.100</b>	<b>MAINTENANCE EASEMENT</b>
<b>18.16.110</b>	<b>MAINTENANCE COVENANTS</b>
<b>18.16.120</b>	<b>REQUIREMENTS FOR MAINTENANCE COVENANTS</b>
<b>18.16.130</b>	<b>INSPECTION OF STORMWATER FACILITIES</b>
<b>18.16.140</b>	<b>RIGHT-OF-ENTRY FOR INSPECTION</b>
<b>18.16.150</b>	<b>RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES</b>
<b>18.16.160</b>	<b>FAILURE TO MAINTAIN PRACTICES</b>
<b>18.16.170</b>	<b>VIOLATIONS</b>
<b>18.16.180</b>	<b>NOTICE OF VIOLATION</b>
<b>18.16.190</b>	<b>STOP WORK ORDERS</b>
<b>18.16.200</b>	<b>CIVIL AND CRIMINAL PENALTIES</b>
<b>18.16.210</b>	<b>HOLDS ON OCCUPATION PERMITS</b>



### **Section 18.16.010 Findings of Fact**

It is hereby determined that:

Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, channel erosion, and sediment transport and deposition; This stormwater runoff contributes to increased quantities of water-borne pollutants, and; stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.

Therefore, the City establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

### **Section 18.16.020 Purpose**

The purpose of this ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This ordinance seeks to meet that purpose through the following objectives:

- (1) Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, streambank/wash erosion and maintain the integrity of channels.
- (2) Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality
- (3) Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.
- (4) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

### **Section 18.16.030 Applicability**

This ordinance shall be applicable to all subdivision or site plan applications. The ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by local environmental protection officials to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

To prevent the adverse impacts of stormwater runoff, the City has developed a set of performance standards that must be met at new development sites. These standards apply to any construction activity



disturbing one or more acres of land, or will disturb less than one acre, but is part of a common plan of development or sale that will ultimately disturb one acre or more. The following activities may be exempt from these stormwater performance criteria:

1. Additions or modifications to existing single family structures.
2. Developments that do not disturb one or more acres of land, or will disturb less than one acre, but is part of a common plan of development or sale that will ultimately disturb one acre or more.
3. Repairs to any STPs deemed necessary by the Public Works Director or their designee.

When a site development plan is submitted that qualifies as a redevelopment project, decisions on permitting and on-site stormwater requirements shall be governed by special stormwater sizing criteria found in the current MCFCD stormwater design manual. This criteria is dependent on the amount of impervious areas created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by the Public Works Director or their designee.

#### **Section 18.16.040 Compatibility with Other Permit and Ordinance Requirements**

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

#### **Section 18.16.050 Severability**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

#### **Section 18.16.060 Permit Required**

No land owner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this ordinance prior to commencing the proposed activity.

#### **Section 18.16.080 As Built Plans**

All applicants are required to submit actual “as built” plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by an Arizona Registered Professional Engineer. A final inspection by the Public Works Director or their designee is required before the release of any performance securities can occur.



### **Section 18.16.090 Landscaping and Stabilization Requirements**

Any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be revegetated within ten (10) days from the substantial completion of such clearing and construction.

A landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect or by the soil conservation district, and must be approved prior to receiving a permit.

### **Section 18.16.100 Maintenance Easement**

Prior to the issuance of any permit that has an stormwater management facility as one of the requirements of the permit, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the Public Works Director or their designee, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement agreement shall be recorded by the Public Works Director or their designee in the land records.

### **Section 18.16.110 Maintenance Covenants**

Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the Public Works Director or their designee and recorded into the land record prior to final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts. The Public Works Director or their designee, in lieu of a maintenance covenant, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

### **Section 18.16.120 Requirements for Maintenance Covenants**

All stormwater management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this ordinance and accomplishment of its purposes. These needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the Public Works Director or their designee, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.



#### **Section 18.16.130 Inspection of Stormwater Facilities**

Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the AZPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other STPs.

#### **Section 18.16.140 Right-of-Entry for Inspection**

When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the Public Works Director or their designee the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance

#### **Section 18.16.150 Records of Installation and Maintenance Activities**

Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least 5 years. These records shall be made available to the Public Works Director or their designee during inspection of the facility and at other reasonable times upon request.

#### **Section 18.16.160 Failure to Maintain Practices**

If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the Public Works Director or their designee, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the Public Works Director or their designee shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have 10 calendar days to effect maintenance and repair of the facility in an approved manner. After proper notice, the Public Works Director or their designee may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary City taxes through the county.

#### **Section 18.16.170 Violations**

Any development activity that is commenced or is conducted contrary to this ordinance may be restrained by injunction or otherwise abated in a manner provided by law.



### **Section 18.16.180 Notice of Violation**

When the Public Works Director or their designee determines that an activity is not being carried out in accordance with the requirements of this ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

- (1) the name and address of the owner or applicant;
- (2) the address when available or a description of the building, structure or land upon which the violation is occurring;
- (3) a statement specifying the nature of the violation;
- (4) a description of the remedial measures necessary to bring the development activity into compliance with this ordinance and a time schedule for the completion of such remedial action;
- (5) a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (14) days of service of notice of violation.

### **Section 18.16.190 Stop Work Orders**

Persons receiving a notice of violation will be required to halt all construction activities. This “stop work order” will be in effect until the Public Works Director or their designee confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this ordinance.

### **Section 18.16.200 Civil and Criminal Penalties**

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this ordinance shall, upon conviction, be guilty of a Class 1 misdemeanor, punishable by a fine not to exceed two thousand five hundred dollars (\$2,500) for each violation and/or by imprisonment up to six months. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

### **Section 18.16.200 Holds on Occupation Permits**

Occupation permits will not be granted until corrections to all stormwater practices have been made and accepted by the Public Works Director or their designee.

**Link: [Title 18 STORMWATER POLLUTION PREVENTION](#)**





## **ENFORCEMENT RESPONSE PLAN**





# City of Casa Grande, Arizona Enforcement Response Plan

June 23, 2020

*The City is required under federal guidelines contained in 40 CFR Part 403 to implement and maintain an Enforcement Response Plan (ERP). The ERP provides a framework for the City to follow when responding to industrial user violations. The City may take other actions in response to violations than what is shown in this ERP based upon the actual non-compliance event.*



# **City of Casa Grande, Arizona Enforcement Response Plan**

## **I. Background**

EPA has authorized the State of Arizona authority to implement and enforce 40 CFR Part 403. The State has incorporated 40 CFR Part 403 at Title 18, Chapter 9 of the Arizona Administrative Code, Section A905 and further delineated in R18-9-A907. EPA established a regulatory requirement (40 CFR Section 403.8(f)(5)) for a municipality with a pretreatment program "... shall develop and implement an Enforcement Response Plan (ERP). The ERP shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance." EPA requires that the ERP describe how the POTW will investigate instances of noncompliance, describe the types of escalating enforcement responses and time frames for enforcement responses, identify the City staff or manager responsible for each type of response and be consistent with the approved municipal legal authority. This guidance is meant to be used as a general framework for responding to violations. Circumstances on a specific violation and enforcement response may dictate a response by the City that is different from those identified in this ERP.

The City's Industrial Pretreatment Regulations are incorporated by reference in Chapter 13.12 of the City Code. The Enforcement Response Plan (ERP), incorporated by reference in Section 8.1 of the City Pretreatment Regulations establishes a clear framework for implementing an effective enforcement program and addresses Industrial User noncompliance with applicable Pretreatment Standards and Requirements and is based upon the authorities granted to the City that governs discharges by industrial users to the Publicly-Owned Treatment Works (POTW). This ERP provides the City an outline, in a step-by-step fashion, the procedures to be followed in order to identify, document, and respond to pretreatment violations. These procedures are developed with four primary objectives in mind:

- A. Ensuring consistency when responding to violations.
- B. Ensuring that violators return to compliance as quickly as possible.
- C. Penalizing noncompliant industrial users for pretreatment violations.
- D. Deterring future noncompliance.

The City's enforcement program operates around the following general concepts:

- A. All violations receive an informal and/or formal enforcement response.
- B. All violations meeting the definition of Significant Non-Compliance (SNC) get a formal enforcement response.
- C. As violations continue, the enforcement response will generally escalate.
- D. All enforcement responses will be timely and appropriate.

This Plan is composed of six major sections:

- I. Background
- II. Compliance and Enforcement Responsibilities
- III. Enforcement Authorities and Responsibilities
- IV. Enforcement Response Guide
- V. Penalty Settlement Policy
- VI. Definitions



This guidance is meant to be used as a general framework for responding to violations. Circumstances on a specific violation and enforcement response may dictate a response by the City that is different from those identified in this Plan.

### **Abbreviations used in this ERP:**

The following abbreviations shall have the designated meanings:

BMP	Best Management Practice
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
CWA	Clean Water Act
EPA	U.S. Environmental Protection Agency
IU	Industrial User
mgd	million gallons per day
mg/L	milligrams per Liter
POTW	Publicly Owned Treatment Works
SIU	Significant Industrial User
SNC	Significant Noncompliance

## **II. Compliance and Enforcement Responsibilities**

### **A. Authority to Implement Enforcement Response Plan**

The City of Casa Grande (City) pursuant to regulations promulgated by the Environmental Protection Agency, 40 CFR 403.8 (f)(5) and incorporated by reference by the State at Title 18, Chapter 9 of the Arizona Administrative Code, Section A905 has incorporated the Enforcement Response Plan (ERP) at Section 8.1 of the City Pretreatment Regulations”. The City has various oversight responsibilities and authorities that allow the identification and response to violations as shown in the Pretreatment Regulations, including but not limited to:

1. Exercising right of entry for the purposes of inspection, sampling, records review and oversight (Section 4.12).
2. Establishing prohibitions and limits that industrial users must comply with to protect the POTW, receiving water and worker health and safety (Section 2).
3. Issuing Wastewater discharge permits (Section 4).
4. Requiring that the industrial user install treatment, monitoring structures and equipment (Section 5).
5. Requiring that an industrial user submit permit applications, questionnaires, and other reports as necessary (Sections 4 and 6.2).
6. Requiring that the industrial user monitor, analyze, and report as necessary (Section 4.5 and Section 6).



7. Taking enforcement against industrial users for violations (Section 8).
8. Publishing in a paper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the City, a listing of all industrial users meeting the definition of Significant Noncompliance as required by (Section 8.1, B).

B. Compliance Inspections

Inspections are critical elements in evaluating the compliance status of industrial users and in supporting an appropriate enforcement response. This section describes the City's intent to perform inspections and provides specific guidance relating to these activities. The Director of Public Works is the supervisory position that directs that industrial user inspections are completed.

The City's pretreatment program complies with the Federal requirement to inspect Significant Industrial User (SIUs) at least once per year. The City also inspects other industrial users at a frequency determined to be appropriate by the City. Inspection frequencies may be increased at the sole discretion of the City. Some factors influencing the frequency of oversight include: Instances of non-compliance, unusual discharge or operational activities, lack of complete information or understanding of the existing or new processes or activities of the industrial user, on-going evaluation of pollutant loading, evaluation of BMPs, in response to a new sewer connection from an industrial user that may meet the definition of an SIU, or other factors.

Inspections are used to identify changes in wastewater or processes, evaluate compliance with construction schedules and the industrial user permit, follow-up on violations, verify records retention, verify production, characterize discharge practices, facilities and equipment, generally update information in the IUs file, and identify potential problem areas, including spill and slug loading potential.

IUs demonstrating noncompliance shall be subject to increased surveillance, including inspections and compliance monitoring by the City and may be directed to perform additional self-monitoring. The City will generally conduct follow-up oversight within 45 days of taking a formal enforcement action where appropriate.

There are three types of IU inspections: scheduled, unscheduled, and on-demand and the City has the authority to obtain a Search Warrant for refusing entry.

1. Scheduled Inspections

These inspections are scheduled with the Industrial User (IU) from a week to a month in advance. Notifying the business in advance helps to ensure that a knowledgeable employee will be available to answer questions and needed records will be readily available for inspection and review. This allows the inspector to use his or her time more effectively during the inspection. Additionally, the inspection can be scheduled for a time when the facility will be in normal operation. For these reasons, scheduled inspection will generally be used for the annual compliance inspection.



## 2. Unscheduled Inspections

These inspections are not pre-scheduled in advance with the IU. Little or no prior notice is given, except when minimum notice (a call as entry to the facility is made) is necessary to gain access to the facility or to ensure that the facility contact is present. This type of inspection is useful in determining the current compliance status of an IU. Unscheduled inspections can also be used as a follow up to scheduled inspection to determine if noted deficiencies have been corrected. This inspection may mirror the annual inspection if the City wants to observe a more “normal” operational environment. These inspections are at the sole discretion of the City. This type of inspection is also used to determine if an industry needs to be considered for permit issuance. The City may use this unscheduled inspection in lieu of the scheduled inspection to meet the requirements of the annual inspection if a complete inspection is performed by the City.

## 3. On-Demand Inspection

On-demand inspections are conducted in response to known or suspected violations discovered through self-monitoring reports, routine inspections, sampling events, public complaints, unusual influent conditions at the POTW, or emergency situations including plant upsets, sewer line blockages, fires and explosions.

On-demand inspections will be performed immediately with no prior notice provided to the IU. In some cases, assistance from other appropriate agencies (e.g. fire department, hazardous waste response team, EPA, State) may be requested if it does not delay the conduct of the inspection.

## 4. Search Warrants

If the City has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of these Pretreatment Regulations or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with these Pretreatment Regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Director may seek issuance of a search warrant from the Casa Grande Municipal Court or another Court of competent jurisdiction.

## C. Compliance Sampling

### 1. City Compliance Monitoring

Sampling is used to determine compliance with applicable pretreatment standards and to confirm that data and other information submitted by IUs in self-monitoring reports has been representative and accurate. Pretreatment personnel schedule routine, unannounced sampling of the industrial user’s discharge. When a sample indicates a violation, the City may resample the IU’s discharge or require the IU to do additional sampling, in addition to, responding to the violation. Alternatively, the City may order the IU to accelerate its monitoring frequency for the violating pollutant through an informal or formal enforcement action.



All samples are collected and analyzed in accordance with EPA approved procedures published in 40 CFR Part 136 and State approved methods. The analytical laboratory is required to maintain a quality assurance/quality control program and QA/QC data provided with each laboratory report including, blanks and duplicates, as appropriate, are sent to the laboratory to be analyzed. If any of the required QA/QC criteria are not met, the proper corrective measures are taken, and the samples are recollected and/or reanalyzed as appropriate. All compliance data, whether collected by the City or generated through IU self-monitoring reports are systematically reviewed to identify violations and evaluate sample collection, holding time, method sensitivity, method detection limits (MDL) and reporting limits (RL), and chain-of-custody problems. City compliance monitoring reports are generally reviewed within five (5) days of receipt.

## 2. Industrial User Self-Monitoring

All Significant Industrial User (SIU) permits issued by the City contain a self-monitoring requirement for specific pollutants. In addition, other industrial users may have reporting requirements for other control mechanism(s) for Best Management Practices (BMP) as may be required. The frequency with which an IU is required to self-monitor for a pollutant or report compliance with a specific BMP is set by the City consistent with 40 CFR Part 403 at the sole discretion of the City. City compliance monitoring reports are generally reviewed within five (5) days of receipt.

The following guidelines are used by the City in reviewing self-monitoring reports from industries to identify violations:

- a. Report due date and report submitted date.
- b. All certification statements as required are included and signed.
- c. Signatures checked to verify that the report signer is the Authorized Representative.
- d. All sample and analytical data required by the permit is included.
- e. Analytical methods were appropriate (40 CFR Part 136, state requirements and as required in the IU permit), holding times and MDLs and RLs are appropriate, and the Chain-of-Custody is included and complete.
- f. All pollutant data is compared to permit limitations to identify violations.
- g. All other pollutant data provided that has been analyzed by the laboratory and not specifically required to be reported by the permit shall be reviewed.

## D. Staffing and Responsible Officials

Day-to-day Pretreatment Program activities and priorities will be coordinated by the Director of Public Works. The Environmental Compliance Specialist and the Pretreatment Coordinator will, under the direction of the Deputy Public Works Director, implement the pretreatment program. The Director of Public Works reports to the City Manager. The administration and enforcement of the Pretreatment Program involves several basic activities and program lead(s), including:



<b>Type of Program Activity</b>	<b>Program Lead(s)</b>	<b>Other Program Team Members As Assigned</b>
Budgeting	Deputy Public Works Director	Environmental Compliance Specialist, Pretreatment Coordinator
Identifying Industrial Users	Environmental Compliance Specialist	Pretreatment Coordinator
Managing Data (includes data entry)	Environmental Compliance Specialist	Pretreatment Coordinator
Permitting IUs	Environmental Compliance Specialist (Draft Permits), Pretreatment Coordinator	Deputy Public Works Director (Sign Permits)
Inspecting IUs	Environmental Compliance Specialist	Pretreatment Coordinator
Reviewing Reports	Environmental Compliance Specialist	Pretreatment Coordinator
Sampling IU Discharges	Environmental Compliance Specialist	Pretreatment Coordinator
Enforcement	See Table Below	See Table Below

The following table establishes the official(s) responsible for initiating and completing an enforcement action. The activities shown below may be delegated to other City managers, as appropriate.

<b>Enforcement Action</b>	<b>Initiating Personnel</b>	<b>Concurrence Required</b>	<b>Signature Authority</b>
Informal Action: Phone call, email or warning letter <sup>(1)</sup> to notify IU of violations (all responses are documented and put in IU file).	Environmental Compliance Specialist, Pretreatment Coordinator	None. Periodic briefing to Deputy Public Works Director	Environmental Compliance Specialist, Pretreatment Coordinator
Informal Action: Industrial User Meeting (always held at POTW).	Environmental Compliance Specialist, Pretreatment Coordinator	Briefing to Deputy Public Works Director prior to meeting	Environmental Compliance Specialist, Pretreatment Coordinator
Informal Action: Notice of Violation <sup>(2)</sup> (NOV) Section 8.2,A.	Environmental Compliance Specialist, Pretreatment Coordinator, Deputy Public Works Director	Director of Public Works, City Attorney	Director of Public Works or designee
Administrative Order <sup>(3)</sup> Section 8.2, B.	Environmental Compliance Specialist	Deputy Public Works Director	Director of Public Works or designee



<b>Enforcement Action</b>	<b>Initiating Personnel</b>	<b>Concurrence Required</b>	<b>Signature Authority</b>
Consent Order Section 8.2, C.	Deputy Public Works Director, City Attorney	Director of Public Works, City Attorney	City Manager
Show Cause Hearing Section 8.2, D.	Environmental Compliance Specialist, Deputy Public Works Director	Director of Public Works, City Attorney, City Manager	Director of Public Works (chairs hearing)
Cease and Desist Order Section 8.2, E.	Environmental Compliance Specialist, Deputy Public Works Director	City Attorney, City Manager	Director of Public Works or designee
Administrative Fines Section 8.2, F.	Environmental Compliance Specialist, Deputy Public Works Director	City Attorney	Director of Public Works or designee
Suspension of Service Section 8.2, G.	Environmental Compliance Specialist, Deputy Public Works Director	City Attorney, City Manager	Director of Public Works or designee
Revocation of Permit or Authorization to Discharge Section 8.2, H.	Environmental Compliance Specialist, Deputy Public Works Director	City Attorney, City Manager	Director of Public Works or designee
Judicial Action Section 8.3	Deputy Public Works Director, Public Works Director	City Manager	City Attorney (Lead)
Injunctions Section 8.3, A	Environmental Compliance Specialist, Deputy Public Works Director	Public Works Director, City Manager	City Attorney (Lead)
Search Warrants Section 4.13	Environmental Compliance Specialist, Deputy Public Works Director	Public Works Director, City Manager	City Attorney (Lead)

- (1) A warning letter is an informal action and will generally only provide notice to the industrial user of violations and specific requirements already established in the City's legal authority and an Industrial Waste Discharge Permit.
- (2) A Notice of Violation (NOV) is an informal action where the City uses the NOV to identify violations, establish specific actions and timeframes and provide an opportunity to correct. An NOV may be the final enforcement action for infrequent, isolated or non-recurring violations that are not SNC.
- (3) An Administrative Order (AO) is a formal action where the City uses the AO to identify violations and establish specific actions and timeframes that are not already required in the City's legal authority. An AO is the standard initial formal response to violation by industrial users that meet a SNC criterion.



### **III. Enforcement Responses**

#### **A. General**

Once a violation is identified, the City will determine the appropriate enforcement response. If the violation is significant (serious, recurring, Significant Non-Compliance (SNC), etc.) the City will generally take a formal enforcement action. If the violation is not significant (isolated, minor, not SNC, etc.) the City will generally take an informal enforcement action. The significance of violations is defined in Section V, 2. This ERP is a general framework for how the City will respond to a violation. The City may take any enforcement action that the City determines is timely and appropriate. Tracking of enforcement actions is generally the responsibility of the Environmental Compliance Specialist.

#### **B. Administrative Enforcement Actions**

##### **1. Informal Violation Communication/Meetings**

The City may notify a user of a violation (minor, isolated) via an email, meeting or phone call with the industrial user. These are informal actions. A record of communication for the phone call or copy of the email and/or meeting notes will be included in the IUs file.

##### **2. Written Notice of Violation (NOV). Section 8.2, A of the Pretreatment Regulations.**

Whenever the Director finds that an industrial user has violated or continues to violate, any provision of these Pretreatment Regulations, an Industrial Wastewater Discharge Permit, authorization or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon such industrial user a written NOV. Within five (5) working days of the receipt of such notice, an explanation of the violation and a plan for satisfactory correction and prevention of further violations shall be submitted to the Director. Submission of such a plan in no way relieves the industrial user of liability for any violations occurring before or after receipt of the NOV. An NOV may be issued initially and routinely for any violation and that action followed up later by an escalated enforcement action.

The NOV is an informal enforcement response. The NOV may be hand delivered, sent via email, by U.S. Mail or by registered or certified mail and shall be provided to the Authorized Representative of the Industrial User. A copy of the NOV will be filed in the industrial user file. The City may perform an on-site inspection as a follow-up to the violation. A failure of a violator to respond to an NOV, as required, may result in a finding of Significant Noncompliance (SNC) and a formal enforcement action to compel compliance.

##### **3. Administrative Order (AO). Section 8.2, B of the Pretreatment Regulations.**

When the City finds that an industrial user has violated, or continues to violate, any provision of these Pretreatment Regulations, an Industrial Wastewater Discharge Permit, authorization or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may issue an Administrative Order to the Industrial User responsible for the discharge directing that the industrial user come into compliance



within a specific time. If the industrial user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. An Administrative Order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the Industrial User of liability for any violation, including any continuing violation. Issuance of an Administrative Order shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

Under no circumstances will the City agree to a compliance schedule that might result in Pass Through, Interference or violation of a General or Specific Prohibition. The AO is generally hand delivered or sent by registered or certified mail to the Authorized Representative of the Industrial User. A copy of the AO will be filed in the industrial user file. The City may perform an on-site inspection as a follow-up to the violation.

4. Consent Order (CO). Section 8.2, C of the Pretreatment Regulations.

The City may enter into a Consent Order, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial user responsible for noncompliance. Such documents shall include specific actions to be taken by the industrial user to correct the noncompliance within a time period specified by the document. A Consent Order may include penalties, supplemental environmental projects, or other conditions and requirements as agreed to by the City and the industrial user, including stipulated penalties for violations that occur during the term of the Consent Order. A Consent Order shall have the same force and effect as an Administrative Order and shall be judicially enforceable.

The Consent Order allows the industry to continue to discharge if it demonstrates adequate progress in providing a permanent solution to the cause of its discharge violations. Under no circumstances will the City agree to a compliance schedule that might result in Pass Through, Interference or violation of a General or Specific Prohibition.

5. Show Cause Hearing (SCH). Section 8.2, D of the Pretreatment Regulations.

The Director may order an Industrial User which has violated, or continues to violate, any provision of these Pretreatment Regulations, an Industrial Wastewater Discharge Permit, authorization or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the industrial user. A Show Cause Hearing shall not be a bar against, or prerequisite for, taking any other action against the user.



After the Director has reviewed the evidence, the Director may issue an order to the Industrial User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate to correct the violation may be issued.

The Director may use the same Show Cause Hearing process to hear an appeal of an administrative fine from an industrial user.

6. Cease and Desist Order (CDO). Section 8.2, E of the Pretreatment Regulations.

When the Director finds that an industrial user has violated, or continues to violate, any provision of these Pretreatment Regulations, an Industrial Wastewater Discharge Permit, authorization or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the industrial user's past violations are likely to recur, the Director may issue a Cease and Desist Order to the industrial user directing it to cease and desist all such violations and directing the industrial user to:

- a. Immediately comply with all requirements; and
- b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the industrial user. The Cease and Desist Order is generally hand delivered or sent by registered or certified mail to the Authorized Representative of the Industrial User. A copy of the Cease and Desist Order will be filed in the industrial user file. The City may perform an on-site inspection as a follow-up to the violation.

7. Administrative Fines (AF). Section 8.2, F of the Pretreatment Regulations.

When the Director finds that an industrial user has violated, or continues to violate, any provision of these Pretreatment Regulations, an Industrial Wastewater Discharge Permit, authorization or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may fine such industrial user in an amount not to exceed one thousand dollars (\$1,000.00). Such fines shall be assessed on a per-violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. Issuance of a penalty-only is not a formal enforcement action by itself.

Industrial users desiring to appeal such fines must file a written request for a Show Cause Hearing consistent with the requirements of Section 8.2, D. of the Pretreatment Regulations. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.



The AF is generally hand delivered or sent by registered or certified mail to the Authorized Representative of the Industrial User. A copy of the AF will be filed in the industrial user file. The City may perform an on-site inspection as a follow-up to the violation.

8. Suspension of Service. Section 8.2, G of the Pretreatment Regulations.

Endangerment to Health or Welfare of the Community: The City, through other than a formal notice to the affected industrial user, may immediately and effectively halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the City, any area under jurisdiction of the City, the POTW of the City or any wastewater system tributary thereto, by any means available to them, including physical disconnection from the wastewater system, whenever it reasonably appears that such discharge presents an imminent endangerment to the health or welfare of the community.

Endangerment to Environment or Treatment Works: The City, after written notice to the discharger may halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the City, any area under jurisdiction of the City, the POTW, wastewater system tributary thereto, by any means available to them, including physical disconnection from the wastewater system, whenever such discharge presents or may present an endangerment to the environment or threatens to interfere with the operation of the POTW.

Any person notified of a suspension of the wastewater treatment service and/or the Industrial Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to individuals or the environment. The City may reinstate the Industrial Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

A detailed written statement submitted by the Industrial User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be provided to the City within five (5) days of the date of occurrence. Suspension of Service shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

9. Revocation of Industrial Wastewater Discharge Permit or Authorization to Discharge. Section 8.2, H of the Pretreatment Regulations.

A violation of the conditions of an Industrial Wastewater Discharge Permit, authorization, or order under these Pretreatment Regulations or of applicable State or federal regulations shall be reason for revocation of such permit or authorization to discharge by the City as provided for in Section 4.2 of the Pretreatment Regulations. Upon revocation of the permit, any wastewater discharge from the affected Industrial User shall be considered prohibited and discharge of such wastewater in violation of these Pretreatment Regulations.



Any Industrial User whose Industrial Wastewater Discharge Permit or authorization to discharge is revoked or who is served with a notice of an intended order for the revocation of the Industrial User's authorization to discharge may file with the Director a request for a hearing with respect thereto; provided, however, that the filing of such a request shall not stay the existing or proposed suspension.

If a hearing is requested with respect to an existing or proposed suspension or revocation, other than the suspension of service because of an action taken by the City under Section 8.2, G of the Pretreatment Regulations, the Director shall hold a hearing with respect to such suspension within fourteen (14) days after receipt of such request. The Director shall provide notice of the hearing to the Industrial User by hand delivery or certified mail at least five (5) days before the hearing. The Director shall conduct the hearing and the Industrial User shall be allowed to present evidence in support of its request. After considering the evidence that is presented at such hearing, the Director shall issue his order with respect to the suspension or revocation of the permit and/or authorization to discharge. The decision by the Director shall be provided to the Industrial User in writing.

10. Civil Judicial Enforcement Action. Section 8.3, B of the Pretreatment Regulations.

Civil judicial enforcement is the formal process of filing a lawsuit against an IU to secure court ordered action to correct violations and to assess penalties for violations, including the recovery of costs to the City. Civil action is an appropriate enforcement response in several situations:

- a. When injunctive relief is necessary to halt or prevent discharges which threaten human health, the environment, or the treatment plant.
- b. When efforts to restore compliance through other enforcement actions have failed and a court order is necessary to enforce program requirements.
- c. When an IU fails to pay assessed fines, or the City wishes to recover losses due to the IU's non-compliance.
- d. When the IU has such serious and chronic violations, the use of other formal enforcement actions would not be appropriate.

An Industrial User who has violated, or continues to violate, any provision of these Pretreatment Regulations, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty not to exceed twenty-five thousand dollars (\$25,000) per day per violation. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.

The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against an industrial user.



11. Injunctive Relief. Section 8.3, A of the Pretreatment Regulations.

When the City finds that an industrial user has violated, or continues to violate, any provision of these Pretreatment Regulations, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may petition a court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Industrial Wastewater Discharge Permit, order, or other requirement imposed by these Pretreatment Regulations on activities of an Industrial User. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Industrial User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.

12. Settlement Agreement (aka Consent Agreement)

Settlement Agreements are agreements between the City and the IU reached after civil actions have been filed. To be binding, the decree must be signed by the City, City Attorney and the IU. Settlement Agreements are used when the IU acknowledges and is willing to correct the violations and agrees with the City to a penalty and/or remedial actions and in some cases, costs and liquidated damages incurred by the City.

13. Criminal Enforcement Actions

An Industrial User that willfully, recklessly or negligently violates any provision of these Pretreatment Regulations, including making false statements, shall, upon conviction, be guilty of a Class 1 misdemeanor, punishable by a fine not to exceed two thousand five hundred dollars (\$2,500) for each violation and/or by imprisonment up to six months. Each day any violation of these Pretreatment Regulations occurs shall constitute a separate offense.

The City may refer violations that may warrant criminal prosecution to the U.S. Attorney General's Office, State Attorney General, EPA Criminal Investigation Division or other appropriate agency. This referral shall not preclude the City from taking a parallel administrative or civil enforcement action.



#### IV. Enforcement Response Guide

The City will use the Enforcement Response Guide in Table 1 below as a framework to determine the appropriate enforcement response for various types of violations. Based upon the specific situation, the City may alter its response to a violation. Should the violator fail to respond to any enforcement action initiated by the City, the City may opt to follow-up with an enforcement response that the City deems appropriate and that is authorized by Pretreatment Regulations. The City may initiate an enforcement action with something other than the lowest level of action listed. The City may opt to take an immediate and significant action (penalty action) for a first violation.

This ERP is intended to be used as a general framework for responding to violations. Circumstances related to a specific violation and circumstances may warrant an enforcement response by the City that is different from those identified in this Enforcement Response Plan.

#### General Administrative Fine Schedule

The following table shows the typical penalty associated with specific violations. Recurring or multiple violations would result in escalated enforcement responses and administrative fines that may be higher on a per day basis or result in a higher total penalty.

Violation	Typical Penalty
Late reports	\$100 per day up to 29 days and \$200 per day for day 30 and after.
Failure to sample	Cost of analyses plus \$200 per day until sample results are received for the pollutant(s) not sampled
Failure to provide required notifications as required, compliance schedule violation, failure to resample within 30 days	\$100 per day
Incomplete reports, failure to provide appropriate signatory certification, failure to provide additional monitoring as required, failure to show up for meeting/hearing, failure to post required notices,	\$100 per event plus any late report penalties
Failure to maintain records	\$200 per event
Failure to report slug loads, accidental discharges reaching the POTW, upsets and bypasses	\$1000 per day

#### Abbreviations for Enforcement Actions <sup>(1)</sup>

EMP	Email, Meeting, Phone Call (all documented to IU File). This may be part of many enforcement actions.
NOV	Notice of Violation
AO	Administrative Order
CO	Consent Order
SCH	Show Cause Hearing
CDO	Cease and Desist Order
AF	Administrative Fine



SUS	Suspension of Service
RP	Revocation of Permit
INJ	Injunctive Relief
CIVIL	Civil Penalty
CRIM <sup>(2)</sup>	Criminal Penalties

- (1) Enforcement Responses generally escalate for recurring violations.
- (2) Criminal Enforcement and referrals to EPA/State for suspected criminal violations may be made. This option is not reflected in all the violations in the following table but may be an option exercised by the City.

**Table 1 – Table of Enforcement Responses**

<b>Violation</b>	<b>Circumstances</b>	<b>Typical Range of Enforcement Responses <sup>(1)</sup></b>	<b>Typical timeframe for initiating the enforcement response</b>
General: Any violation that does not meet SNC definition	Any Instance	EMP, NOV, AO, CO, SCH, CDO	Within 14 days of identifying the violation.
General: Any violation that meets SNC definition	Any Instance	AO, CO, SCH, CDO, AF, SUS, RP, INJ, CIVIL, CRIM	Within 21 days of identifying the violation.
Failure to apply (or reapply) for a permit as required: New Industrial Users (SIUs). SNC violation.	Any Instance	AO, SCH, CDO, AF, INJ, CIVIL	Within 21 days of identifying the violation.
Failure to apply (or reapply) for a permit as required: Existing SIUs. ≤30 days late – non-SNC violation.	Any Instance	NOV, AO, SCH, CDO, RP, SUS	Within 45 days of the reapplication date
Failure to apply (or reapply) for a permit as required: Existing SIU >45 days late – SNC violation.	Any Instance	AO, SCH, CDO, AF, INJ, CIVIL	Within 21 days of identifying the violation.
Failure to submit a complete and accurate permit application. All additional updated submittals from IUs must have signatory cert.	Any Instance	EMP, NOV, AO, SCH	Within 14 days of identifying the violation.



<b>Violation</b>	<b>Circumstances</b>	<b>Typical Range of Enforcement Responses <sup>(1)</sup></b>	<b>Typical timeframe for initiating the enforcement response</b>
Illegal or unpermitted discharge	Any Instance	AO, AF, SCH, CDO, SUS, RP, INJ, CIVIL, CRIM	Immediate notification to IU. Formal enforcement action initiated within 14 days of identifying the violation.
Permit effluent limit violation and/or BMP Violation (Pretreatment Standards)	Any Instance	<u>Isolated, Not SNC</u> : NOV, AO, SCH <u>Recurring and/or SNC</u> : AO, AF, SCH, CDO, RP, SUS, INJ, CIVIL	Within 14 days of identifying the violation.
Exceeds a local limit (Pretreatment Standard) that is not included as a permit limit in the existing IU permit.	No environmental or POTW impact and the pollutant was disclosed in the permit application	EMP, NOV, AO, SCH	Within 14 days of identifying the violation.
	No environmental or POTW impact and the pollutant was not disclosed in the permit application (aka incomplete permit application)	NOV, AO, SCH, AF	Within 14 days of identifying the violation.
	An environmental or POTW impact (evaluate affirmative defenses)	AO, AF, SCH, CDO, RP, SUS, INJ, CIVIL	Immediate notification to IU. Formal enforcement action initiated within 14 days of identifying the violation.
Discharge that presents or may present an imminent or substantial endangerment to health, the environment, personnel, or the POTW.	Any instance	SUS, RP, CIVIL, CRIM, INJ, APO	Immediate exercise of emergency authority to halt discharge. Additional formal enforcement action initiated within 14 days of identifying the violation.
Discharge of wastes specifically prohibited in a discharge permit, authorization or the City Ordinance that violates a General or Specific Prohibition.	Any Instance	NOV, AO, AF, SCH, CDO, RP, SUS, INJ, CIVIL	Within 14 days of identifying the violation.



<b>Violation</b>	<b>Circumstances</b>	<b>Typical Range of Enforcement Responses <sup>(1)</sup></b>	<b>Typical timeframe for initiating the enforcement response</b>
Slug Load (Reported as required)	Isolated, no damage to POTW or environment.	NOV, AO, SCH, AF	Within 14 days of identifying the violation.
	Recurring (>once in a 3 month period) or causing a violation of the General or Specific prohibitions.	NOV (pre-notice), AO, AF, SCH, CDO, RP, SUS, INJ, CIVIL	Within 5-14 days of identifying the violation.
Failure to report (self-monitoring report/Notifications), including compliance with Best Management Practices (BMPs)	<30 days late (isolated)	EMP, NOV, AO, AF, SCH, CDO, RP	Within 14 days of identifying the violation.
	>30 days late	AO, SCH, CDO, AF, SUS, RP, INJ, CIVIL	Within 21 days of identifying the violation.
Failure to Provide Complete Reports (other than failure to monitor), including reports on BMPs	Isolated Occurrence	NOV, AO	Within 5 days of review.
	Recurring (>1 report in 6 months)	NOV, AO, SCH, CDO, AF, RP, CIVIL	Within 14 days of review.
Failure to monitor for all required permit or other required pollutants.	Any instance	NOV, AO, SCH, CDO, AF, RP, CIVIL	Within 14 days of identifying the violation.
Falsification of Data/Reports	Any Instance	AF, RP, SUS, CIVIL, CRIM	Within 21 days of identifying the violation.
Failure to report an effluent violation within 24 hours (SNC)	Any Instance	NOV (pre-notice), AO, AF, SCH, CDO	Within 14 days of identifying the violation.
Failure to resample within 30 days as required (SNC)	Any Instance (SNC)	NOV (pre-notice), AO, AF, SCH, CDO	Within 14 days of identifying the violation.
Failure to notify of a change in discharge or changed conditions that may affect the potential for a slug discharge (SNC).	Any instance	NOV (pre-notice), AO, AF, SCH, CDO, RP, SUS, INJ, CIVIL	Within 14 days of identifying the violation.
Missed compliance schedule milestone or final date within 90 days of deadline (SNC)	Any Instance	NOV (pre-notice), AO, AF, SCH, CDO, RP, INJ, CIVIL	Within 14 days of identifying the violation.
Tampering with monitoring equipment or methods.	Any Instance	AO, SCH, CDO, AF, RP, SUS, CIVIL, CRIM	Immediate notification to IU (unless referring for Criminal enforcement). Formal enforcement action initiated within 14 days of identifying the violation.



<b>Violation</b>	<b>Circumstances</b>	<b>Typical Range of Enforcement Responses <sup>(1)</sup></b>	<b>Typical timeframe for initiating the enforcement response</b>
Denial of access, refusal of entry or withdrawal of access.	Any Instance	INJ, RP, AO, SCH, CIVIL	Immediate notification to IU and referral to City Attorney within 2 working days.
Failure to comply with an order or request for information.	Any Instance	AO, AF, SCH, CDO, SUS, RP, INJ, CIVIL	Within 14 days of identifying the violation.
Bypassing treatment without authorization or notification to the POTW.	Any Instance	NOV (pre-notice), AO, AF, SCH, CDO, RP, SUS, INJ, CIVIL	Immediate notification to IU. Formal enforcement action initiated within 14 days of identifying the violation.
Failure to properly operate or maintain a treatment system.	Any instance	AO, AF, SCH, CDO, RP, INJ, CIVIL	Immediately – 14 days of identifying the violation.
Failure to install a grease interceptor or sand/oil separator as required.	Any instance	NOV, AO, AF, SCH, CDO, INJ, CIVIL	Within 15 days of identifying the violation.
Failure to maintain a grease interceptor or sand/oil separator as required.	Any instance	EMP, NOV, AO, AF, SCH, CDO	Immediately – correct within 5 days of identifying the violation or as other specified by the City.
Failure to install monitoring structures or equipment as required.	Any instance	NOV (pre-notice), AO, AF, SCH, CDO, RP, SUS, INJ, CIVIL	Within 21 days of identifying the violation.
Failure to use appropriate analytical methods.	Any instance	NOV, AO, AF	Within 14 days of identifying the violation.
Failure to sample as required, including wrong sample type, exceeding holding times, no chain of custody, etc.	Any instance	NOV, AO, AF	Within 14 days of identifying the violation.
Industrial user is using dilution to meet limits.	Any instance	NOV (pre-notice), AO, AF, SCH, CDO, RP, SUS, INJ, CIVIL	Immediate notification to IU. Formal enforcement action initiated within 14 days of identifying the violation.
Failure to maintain records on-site as required.	Any instance	NOV, AO, AF	Within 14 days of identifying the violation.
Failure to comply with inspection required actions.	Any instance	NOV, AO, AF, SCH, CDO, RP, INJ, CIVIL	Within 30 days of identifying the violation.



<b>Violation</b>	<b>Circumstances</b>	<b>Typical Range of Enforcement Responses <sup>(1)</sup></b>	<b>Typical timeframe for initiating the enforcement response</b>
pH violation.	<5.0, no damage  <5.0, damage to the monitoring structure, service line or POTW	NOV, AO, AF  NOV (pre-notice), AO, AF, SCH, CDO, RP, SUS, INJ, CIVIL	Within 14 days of identifying the violation.  Within 14 days of identifying the violation.
Failure to pay surcharges, fee and other required costs (Sections 3.2 and 4.7)	Any instance	RP, SUS, CIVIL	Charges assessed through sewer bill. Initial enforcement by sewer billing office. Pretreatment Regulations allow additional enforcement remedies.
Violations determined to be knowing, willful or due to negligence not specified above.	Any instance	AO, AF, SCH, CDO, SUS, RP, INJ, CIVIL, CRIM	Within 30 days of identification of the violation.

<sup>(1)</sup> The range of enforcement response incorporates three program approaches:

- A. Unless otherwise specified, the POTW will generally increase or escalate its enforcement response if violations are repeated or violations in multiple categories occur.
- B. The issuance of penalties will generally follow those guidelines of this ERP and will increase for repeated violations or violations in multiple categories.
- C. If an industrial user has a violation or violations that result in a finding of SNC, the City will generally issue a formal enforcement action.



## V. Penalty and Settlement Guide

### A. Penalty Assessments

The City will use the following general guidelines for determining the appropriate penalty for a violating industrial user for civil judicial and other significant administrative penalty cases. The City has typical predefined penalties for use in administrative citations (see Section IV). After review and compilation of the violation data and other data that may be developed by the City, several penalties will be calculated. These include:

#### 1. Statutory Maximum Penalty

The Statutory Maximum Penalty is calculated by multiplying the maximum penalty amount in the Rules and Regulations by the total number of all violations that will be addressed in the enforcement action (violations would be no older than 5 years). A monthly average penalty would be 30 days of violation (maybe 22 if they are only generating wastewater that many days). In addition, if there are multiple daily measurements during the month and some of which are in compliance with the monthly limit, the City may consider this fact.

#### 2. Penalty Assessed

This is the penalty amount that the City determines is appropriate to propose based upon criteria discussed below. This penalty is included in the enforcement action. The City will typically discuss the basis for this penalty amount. The penalty is calculated by the following general formula:

$$\text{Penalty} = \text{Economic Benefit} + \text{Gravity Component (punitive portion)}$$

#### 3. Bottom-Line Penalty

This is the minimum settlement amount. There are several factors that are considered (e.g. litigation considerations, quick settlements, economic benefit realized, etc.). This is not shared with the violator (attorney-client privileged and enforcement sensitive) and must be economic benefit and a punitive penalty component.

The City is not required to negotiate a penalty and does not intend to do so for smaller issued penalties. Once assessed, the City expects the violator to pay the assessed penalty in full.

The Bottom-Line Penalty is calculated by the general formula:

$$\text{Penalty} = \text{Economic Benefit} + \text{Gravity Component (punitive portion)} \pm \text{Gravity Adjustments} - \text{Litigation Considerations} - \text{Ability to Pay} - \text{Supplemental Environmental Projects}$$



## B. The Penalty Components

### 1. Economic Benefit

Economic Benefit is the financial gain to the industrial user realized from not complying with applicable Pretreatment Standards and Requirements. The City's intent is to collect any financial gain (economic benefit) that a violating user may realize from noncompliance. The City may consider financial gain that is beyond five years, but as a matter of policy, the City will typically consider the financial gain realized by the violator based on the five-year statute of limitations for prosecuting violations (.

Delayed or avoided costs include, but are not limited to:

- a. Monitoring and Reporting (including costs of the sampling and proper laboratory analysis).
- b. Capital equipment improvements or repairs, including engineering design, purchase, installation, and replacement.
- c. Operation and maintenance expenses (e.g. labor, power, chemicals) and other annual expenses.

### 2. Gravity

The POTW maintains the sole discretion over the punitive (gravity) portion of the penalty.

The gravity component is assessed to achieve several purposes:

- Punish the violator for its actions.
- Deter the violator from future violations.
- Deter other industrial user from violations.

Gravity includes:

- Significance of the violation
- Health, Environment and POTW Harm
- Number of Effluent Violations
- Significance of the Non-Effluent Limit Violations

From the general penalty formula: *Penalty = Economic Benefit + Gravity Component*, a more detailed penalty calculation is made according to the following formula:

$$Penalty = Economic Benefit + (1 + A + B + C + D) \times \$1000$$

A = An adjustment factor for significance of the violation

B = An adjustment factor for health, environment and POTW harm

C = An adjustment factor for number of effluent violations

D = An adjustment factor for significance of the non-effluent limit violations



The four gravity factors - A, B, C, and D - are considered for each month in which there were one or more violations. Values are assigned to each of the four factors as described in the text and tables below. In performing the gravity calculation, the monthly gravity component is calculated from the first date of noncompliance up to when the violations ceased or the date the complaint is expected to be filed. In cases with continuing violations, the gravity calculation should be revised periodically to include additional months of violations that have occurred since the previous calculation. Each of these factors is discussed below.

#### Factor A: Significance of the Violation (ranges 0 to 20)

This factor is based on the magnitude of violation as compared to the permit limit in each month. Values are selected using the table below based on the effluent value which yields the highest Factor A value. Where an industrial user monitors monthly and if there were no effluent limit violations in a particular month, but there were other violations, then Factor A is assigned a value of zero in that month's gravity calculation.

Where the monitoring frequency is less than monthly, the gravity component is applied across the subsequent months where no monitoring was performed unless there is clear and documented evidence to believe that the effluent in other months was different (e.g. 30 day repeat analysis indicated compliance or the City monitoring indicated repeat analysis). The failure to collect representative samples, failure to submit a change in discharge notification or failure to repeat monitoring within 30 days would have to be considered if the industrial user is making a claim that their data was not representative of their operations in subsequent months and no additional data was generated. In general, the industrial user would have to provide effluent monitoring data to support its assertions.

**Table for Assigning a Value for Factor A**

<b>% by Which an Effluent Limit was Exceeded</b>	<b>pH: Standard Units above or below pH Limits</b>	<b>Factor A Values (0 to 20)</b>
1-20	0.01 – 0.5	1-3
21-40	0.51 – 1.0	2-6
41-100	1.01 – 1.50	4-10
101-200	1.51 – 2.0	6-15
>200	>2.0	10-20

#### Factor B: Health and Environmental Harm (ranges 0 to 50)

A value for Factor B is selected for each month in which one or more violations present actual or potential harm to human health, the environment or the POTW. Values are selected using the table below based on the type of actual or potential harm that yields the highest factor value.



**Table for Assigning a Value for Factor B**

<b>Type of Actual or Potential Harm</b>	<b>Factor B Values (0 to 50)</b>
Impact on Human Health (toxic gases, drinking water source contamination, etc.)	30-50
Impact on the Environment (Pass Through, Sanitary Sewer Overflow, etc.)	10-50
Impact on the POTW (Interference, change in operations, etc.)	10-50

**Factor C: Number of Effluent Limit Violations (ranges 0 to 5)**

This factor is based on the total number of effluent limit violations each month. In order to properly quantify the gravity of the violations, all effluent limit violations are considered and evaluated. All violations for all pollutants, whether or not occurring at the same outfall, are counted separately. A Factor C value of 1 would reflect that the industrial user violated one or two permit effluent limits in a given month. A Factor 5 would reflect that the industrial user violated a majority of the permit effluent limits in a given month.

**Factor D: Significance of Non-Effluent Limit Violations (ranges 0 to 50)**

Factor D is based on the severity and number of the six different types of non-effluent limitation requirements violated each month. The six types of non-effluent violations typically identified are (but not limited to):

- a. Monitoring the effluent
- b. Reporting and required notifications
- c. Unauthorized discharges.
- d. Compliance schedules
- e. Applying for a permit
- f. Other types of non-effluent violations.

The value for Factor D for each month in which there is a non-effluent limit violation is selected pursuant to the table below. The Factor D value for a given month is the sum of the highest value for each type of non-effluent limit violation.

With regards to monitoring and reporting violations, the basic approach to environmental protection under the Clean Water Act relies on self-monitoring by the industrial user. The failure to conduct required monitoring is a serious violation. The failure to submit a report in a timely manner is generally not treated as a continuing violation past the month in which the report was due. For example, if an industrial user fails to submit a Baseline Monitoring Report as required by Section 6.1, this will be counted as a violation only in the month when the report was due.

If the industrial user did not notify the City and repeat the sampling after finding the effluent violation as required by Section 6.8, then an appropriate value for gravity Factor D should be assigned for this notification or monitoring violation(s).



**Table for Assigning a Value for Factor D**

<b>Type and Extent of Violation</b>	<b>Factor D Value (0 to 20)</b>
Failure to monitor and report (none was done for the sampling period).	10-20
Failure to monitor and report for 1 or more pollutant parameters.	1-10
Late report (<30 days)	1- 6
Late report (>30 days)	10-20
Any other Monitoring and Reporting Violation.	1-20
Failure to provide a required notification or report (hazardous waste notification, Slug Discharge, Accidental discharge, change in discharge, permit transfer, etc.).	10-20
Unauthorized discharge (facility covered by existing permit or BMP).	1-10
Unauthorized discharge (facility not covered by existing permit or BMP).	5-20
Violation of a milestone or final compliance date.	5-20
Failure to apply for a permit.	10 to 20
Any other type of non-effluent violation.	1 to 20

### **C. Gravity Adjustment Factors**

The City may increase or decrease the total gravity penalty after considering three factors: flow reduction factor (to reduce gravity); history of recalcitrance (to increase gravity); and the quick settlement reduction factor (to reduce gravity).

$$Penalty = Economic Benefit + (1 + A + B + C + D) \times \$1000 \text{ +/- Gravity Adjustment Factors}$$

#### **Flow Reduction Factor for Small Facilities (range 0 to 50%)**

The total gravity amount may be reduced based on the flow of the facility. This reduction is not available if the facility or parent corporation employs more than 100 individuals. Flow reduction percentages are selected using the table below. Use of this factor is at the sole discretion of the City.

**Table for Determining a Flow Reduction Factor**

<b>Average Daily Wastewater Discharge Flow (gpd)</b>	<b>% Reduction of Total Gravity</b>
Less than 5,000	50
5001 – 9,999	40
10,000 – 19,999	30
20,000 – 29,999	20
30,000 – 49,999	10



Average Daily Wastewater Discharge Flow (gpd)	% Reduction of Total Gravity
50,000 – 99,999	5
100,000 or more	0 (no reduction)

#### History of Recalcitrance Adjustment Factor (range 0 to 150%)

The "recalcitrance" factor is used to increase the penalty based on a violator's bad faith, or unjustified delay in preventing, mitigating, or remedying the violation. Recalcitrance is also present if a violator failed to comply with a City issued administrative order or other formal request for information. This factor is applied by multiplying the total gravity component by a percentage between 0 and 150. This factor is only used in penalties sought through a civil enforcement action. A value of 5-20% may be appropriate when an industrial user violates an administrative order or fails to report to the City under an enforcement action as required. Violations of multiple enforcement actions would result in an increase in this percentage.

#### Quick Settlement Adjustment Factor (ranges up to 20%)

In order to provide an extra incentive for violators to negotiate quickly and reasonably, and in recognition of a violator's cooperativeness, the City may reduce the gravity amount by 20 percent if the violator agrees to settle or pay quickly and is in compliance with applicable regulations. For purposes of this reduction factor, a quick settlement is when the violator signs a consent order resolving the violations within two months of the date the penalty was assessed through an administrative action or within four months of the City filing a judicial case. If the violator is not able to sign the consent order within this time period, this adjustment does not apply.

#### Environmental Auditing Adjustment Factor (up to 15%)

The City may reduce the gravity portion of a penalty if the violating industrial user conducts a facility-wide environmental audit, discloses the results to the City, promptly corrects the violations and remedies any harm. The industrial user would be required to hire or employ qualified individuals with expertise appropriate to conduct an environmental audit. The City is adopting this adjustment factor because it believes that facilities that conduct environmental audits and who promptly remedy violations will have shorter histories of violations and this automatically reduces both the economic benefit and gravity amounts.

#### Litigation Considerations (Judicial Cases)

The City will evaluate every penalty with a view toward litigation and attempt to ascertain the maximum civil penalty the court is likely to award if the case proceeds to trial or hearing. The City may reduce the amount of the penalty it will accept at settlement to reflect weaknesses in its case where the facts demonstrate a substantial likelihood that the City will not achieve a higher penalty at trial. The mere existence of weaknesses or limitations in a case will not result in a reduction of the bottom-line penalty amount, unless the City determines that the bottom-line penalty is more than the City is likely to obtain at trial. This evaluation is made by the City's legal staff based upon case law and the court of competent jurisdiction.



No enforcement case is without potential litigation considerations. Some relevant factors include:

- a. Known (suspected) problems with the evidence.
- b. Credibility or reliability of the witness(es).
- c. The informed, expressed opinion of the judge.
- d. The past record of the judge or hearing officer.
- e. Statements by regulators that led defendant to believe it was complying.
- f. Past penalty payments for the same violations (reduces penalty).
- g. New case law or setting of a negative precedent.

Note: The failure of the POTW to initiate a timely enforcement action, by itself, is not a litigation consideration.



## **D. Calculating Penalties for Significant Administrative and Civil Penalties**

This form is general guidance for calculating a penalty.

Case Name:	Date:
Prepared by (staff):	Reviewed by:
<b>Settlement Penalty Calculation Worksheet</b>	
1. Calculate the <b>statutory maximum</b> penalty: \$1,000 x days of violation.	\$
2. Economic Benefit. Attach explanation of the dollars saved due to non-compliance.	\$
3. Gravity = $(1 + A + B + C + D) * POTW \text{ Penalty Authority}$  <div style="margin-left: 40px;">             A = An adjustment factor for significance of the violation              B = An adjustment factor for health, environment and POTW harm              C = An adjustment factor for number of effluent violations              D = An adjustment factor for significance of the non-effluent limit violations           </div>	\$
4. Gravity Adjustment: History of Cooperativeness Adjustment Factor (range 0 to 150% increase in penalty). Multiply Line 3 by %/100.	
5. Proposed/ <b>Assessed Penalty</b> : Economic Benefit + Gravity (add lines 2 + 3 +4)	\$
6. Gravity Adjustments	
a. Flow Reduction Factor for Small Facilities (range 0 to 50% decrease in penalty).	%
b. Quick Settlement Adjustment Factor (range up to 20% decrease in penalty).	%
c. Environmental Auditing Adjustment Factor (up to 15% decrease in penalty)	%
<b>Total \$ for Gravity Adjustments:</b> Gravity * ((6.a + 6.b. + 6.c.)/100))	\$
7. <b>Preliminary Bottom-line Penalty</b> (line 5 - line 6)	\$
8. Litigation Considerations (for Judicial Cases) – Attorney defined. Decrease in penalty.	\$
9. Reduction for Supplemental Environmental Projects (see EPA guidance).	\$
11. <b>Bottom-line Cash Settlement Penalty</b> (line 7 – (line 8 + line 9)	\$



**VI. Definitions** (see Section 1.3 of the Pretreatment Regulations for additional definitions).

- A. Authorized Representative or Duly Authorized Representative of the Industrial User means:
1. If the Industrial User is a corporation:
    - a. The president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for reporting requirements established by the City; if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  3. If the user is a federal, state, or local government facility: A City or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.
  4. The individuals described in paragraphs 1 through 3 above, may designate another authorized representative if the authorization is made in writing, the authorization specifies the individual or a position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.
- B. Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the General and Specific Prohibitions listed in Section 2.1 of the Pretreatment Regulations. BMPs may also include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs shall be considered local limits and Pretreatment Standards for the purposes of the Pretreatment Regulations and Section 307(d) of the Act and as specified at 40 CFR 403.5(c)(4).
- C. City is the City of Casa Grande, Arizona
- D. Director is the City of Casa Grande Public Works Director, who is designated by the City to supervise the operation of the Publicly Owned Treatment Works and who is charged with certain duties and responsibilities under these Pretreatment Regulations, or their duly authorized representative.



- E. Indirect Discharge or Discharge shall mean the Discharge or introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act (including holding tank waste discharged into the system).
- F. Industrial User means a source of Indirect Discharge, an industrial user that has the potential to discharge non-domestic wastewater to the POTW or an industrial user that has a sewer connection for domestic wastewater discharge to the POTW.
- G. Person means any individual, partnership, co-partnership, firm, company, association, joint stock company, trust, estate, society, corporation, group, government, governmental agency or other legal entity, or their legal representatives, agents or assigns. The definition includes all federal, state and local government entities.
- H. Pretreatment Requirement are any substantive or procedural requirement related to Pretreatment, other than a Pretreatment Standard, imposed on an Industrial User.
- I. Pretreatment Standard, National Pretreatment Standard, or Standard means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. The term includes prohibitive discharge limits, local limits, and Best Management Practices that are or may be established by the City. In cases of differing Standards or regulations, the more stringent shall apply.
- J. Significant Noncompliance.

The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the Significant Industrial Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable pretreatment standards and requirements and meets any of the criteria below. In addition, any Industrial User found to be in Significant Noncompliance with Subsections 3, 4, or 8, below, shall also be published in the newspaper. The following criteria shall be used to define Significant Noncompliance:

1. Chronic violations of wastewater discharge limits in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceed by any magnitude, a numeric Pretreatment Standard or Requirement, including instantaneous limits;
2. Technical Review Criteria (TRC) violations, defined here in which thirty-three percent (33%) or more of all measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including, instantaneous limits, multiplied by the applicable TRC (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
3. Any other violation(s) of a Pretreatment Standard or Requirement, including daily maximum, long-term average, instantaneous limit or narrative standard, that the City determines to have caused, alone or in combination with other Discharges, Pass Through and/or Interference including endangering the health of the general public or the health of POTW personnel;



4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the City exercising its emergency authority to halt or prevent such discharge;
  5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or compliance order for starting construction, completing construction, or attaining final compliance;
  6. Failure to provide, within thirty (30) days after the due date, any required report, including a Baseline Monitoring Report, 90-Day Compliance Report, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  7. Failure to accurately report non-compliance; or
  8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local Pretreatment Program.
- K. Publicly Owned Treatment Works (POTW) is a treatment works as defined by Section 212 of the Act (33 U.S.C 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature and any sewers, pipes or other conveyances which convey wastewater to the treatment plant. The term also means the municipality having jurisdiction over the Indirect Discharges to and the discharges from the treatment works.
- L. Significant Industrial User or SIU is:
1. A Categorical Industrial User;
  2. An Industrial User that:
    - a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding domestic, noncontact cooling and boiler blowdown wastewater); or
    - b. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - c. Is designated as a SIU by the City on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation; or for violating any Pretreatment Standard or Requirement (in accordance with 40 CFR Section 403.8(f)(6)).
  3. Upon finding that an Industrial User meeting the criteria in paragraph 2 above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may, at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.



M. Slug Load or Slug Discharge means any discharge at a flow rate or concentration, which could cause a violation of the General or Specific Prohibitions in Section 2.1 of the Pretreatment Regulations. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, or a discharge which exceeds the hydraulic or design of an Industrial User's treatment system or any part of the treatment unit including a discharge which has a reasonable potential to cause Interference or Pass Through or in any other way violates an applicable Pretreatment Standard or Requirement or an Industrial Wastewater Discharge Permit issued by the City.



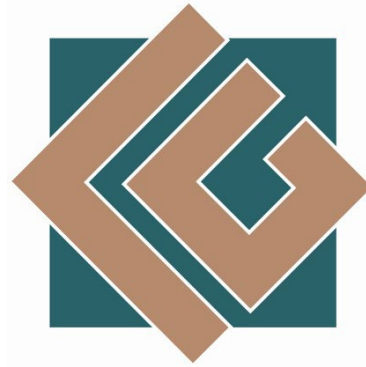


## **IDDE INSPECTION/INVESTIGATION SOP**



# **Illicit Discharge Detection and Elimination Standard Operating Procedures**

*Prepared by:*



City of Casa Grande  
510 East Florence Boulevard  
Casa Grande, AZ 85122



## 1.0 Introduction

This document presents the City of Casa Grande's plan for illicit discharge detection and elimination (IDDE) activities in compliance with requirements outlined in AZPDES Phase II General Permit No. AZG2021-002 (Permit). The Permit requires the City to develop an IDDE program that contains a set of standard investigative procedures to identify the source of illicit connections and discharges and to require their removal from the system. Although the Permit does not outline specific procedures to follow, the IDDE program must, to the maximum extent practical (MEP), implement efforts to find and remove illicit discharges as well as to increase knowledge of the stormwater collection system and pollutants of concern.

## 2.0 Important Terminology and Key Concepts

### Pollutants of Concern

The three illicit discharges most found in urban settings include:

1. ***Pathogenic and toxic pollutants*** should be considered the most severe since contact or consumption of storm water contaminated by these pollutants could cause illness and significant water treatment problems for downstream users. These pollutants may originate from:
  - Sanitary, commercial, and industrial wastewater
  - Inappropriate household toxicant disposal
  - Automobile engine de-greasing
  - Excessive use of chemicals (pesticides, herbicides, and fertilizers).
2. ***Nuisance pollutants*** offer aquatic life-threatening conditions to the storm drainage system. These pollutants can cause excessive dissolved oxygen depletions, tastes, odors, and colors in downstream water supplies, algal blooms, offensive floatables, and noticeably turbid water. These pollutants may originate in residential and commercial areas from:
  - Sanitary wastewaters.
  - Laundry wastewater.
  - Lawn irrigation runoff.
  - Automobile wash water.
  - Construction site dewatering.
  - Washing of concrete ready-mix trucks.
3. ***Relatively clean water*** discharged through a storm drainage system is commonly found during an outfall inventory. Relatively clean water discharges can originate from the following:
  - Fire hydrant flushing.
  - Infiltrating groundwater.
  - Infiltration from potable waterline leak.

Pathogenic and nuisance pollutants should be prioritized in a manner that ensures prompt action in the source identification process as these types of pollutants have the most harmful effects to the environment.



### Allowable Discharges

Non-stormwater discharges allowed under General Permit No. AZG2016-002, section 1.3.2 that are not considered “illicit” include:

- water line flushing
- landscape irrigation
- diverted stream flows.
- rising ground waters
- uncontaminated groundwater infiltration
- uncontaminated pumped ground water
- discharges from potable water sources
- foundation drains
- air conditioning condensate
- irrigation water
- springs
- water from crawl space pumps
- footing drains
- lawn watering
- individual residential car washing
- discharges from riparian habitats and wetlands
- street wash water
- discharge or flows from emergency firefighting activities.

### Illicit Discharge

The term illicit discharge is defined in the Permit as:

“...any discharge to a municipal separate storm sewer that is not comprised entirely of stormwater except discharges pursuant to an AZPDES/NPDES permit (other than the AZPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.”

### Source Identification

Source identification are the office and field tasks used to track a potential illicit discharge to the source and determine if the discharge is in fact an illicit discharge based on analysis of samples taken or investigation conducted.

## **3.0 Summary of City IDDE Procedures**

This section summarizes the City’s systematic approach to eliminating illicit discharges.

### **3.1 Report of Potential Illicit Discharges to the Code Enforcement Division**

The process begins through the identification of a potential illicit discharge. Identification is expected to be achieved by internal reporting from City personnel, external reporting/complaints, and outfall and field screening point visual assessments.

#### **3.1.1 Internal Reporting**

Through implementing the City’s stormwater training program, many City employees will be educated on illicit discharge recognition and reporting. Reports of potential illicit discharges are received from employees from various City departments (e.g., Law Enforcement, Public Works maintenance crews) during their ordinary course of work. Observations are reported through field crew supervisors to the Code Enforcement Division or Environmental Coordinator.



### **3.1.2 External Observation**

Citizens, visitors, and others can notify the Environmental Coordinator or Code Enforcement Division of the presence of potential illicit discharges. These complaints are received through the Public Works Department at (520)421-8625, through e-mail at [publicworks@casagrandeaz.gov](mailto:publicworks@casagrandeaz.gov), or online through the SeeClickFix portal at <https://casagrandeaz.gov/262/How-to-Report-an-Issue>. Using the online portal, the reporter can upload a photo and provide a description of the potential illicit discharge. Quick transmittal of information can help improve the prioritization and response time by City personnel.

### **3.1.3 Visual Monitoring**

#### Outfall Monitoring

During dry weather the Environmental Coordinator performs annual outfall screening of each regulated outfall at least 72 hours after a storm event that results in a discharge from the storm sewer system. This process will be the primary method for detecting illicit connections. If an outfall is found to be discharging during the dry weather outfall screening, the potential illicit discharge tracking steps outlined in Section 4.1 should be initiated. See Appendix A for IDDE Inspection/Investigation Forms, Instructions, and Flowchart. City staff will perform a visual inspection of at least 5 outfalls locations, 2 times during each permitted year. For the purposes of visual monitoring the permitting year will run from September 30th through September 29<sup>th</sup> of the following year.

Results of visual discharge monitoring are recorded on a Discharge Monitoring Report (DMR) for submittal with the annual report.

The grab samples should be collected in clear plastic containers for analysis. The samples should be analyzed in the field for the following parameters:

- Color
- Odor
- Clarity
- Floating, Settled, and Suspended Solids
- Foam
- Sheen

If determined to be necessary, samples may be collected and analyzed by a laboratory for parameters of potential concern.

In the event City personnel or their contractor cannot access any outfall(s) or screening point(s) during a wet weather discharge, the City will conduct wet weather screening as soon as practicable after the storm or discharge event.

See Appendix A for IDDE Inspection/Investigation Forms, Instructions, and Flowchart.



## **4.0 Illicit Discharge Source Identification**

The identification step has two primary components: 1) potential illicit discharge tracking to identify the source, and 2) illicit elimination through enforcement or notification. These steps apply only to the instances in which the potential illicit discharge is flowing into the MS4.

### **4.1 Potential Illicit Discharge Tracking and Source Identification**

The first step in the source identification process is to track the discharge up to the source. The source can be tracked upstream either to the actual pollution causing event (e.g., vehicle accident with spilled fuel, illegal connection of car wash drains to storm system) or until a system owned by another entity is encountered.

The Environmental Coordinator will begin the tracking process at the location where the potential illicit discharge was discovered. The procedure is the same regardless of how the discharge was discovered (screening, internal or external reporting). The following steps should be generally followed:

1. At an outfall where a dry weather flow or visual assessment containing pollutants was collected was found or at the initial point of discovery of the discharge, physical parameters of the flow should be recorded.
2. If the discharge continues upstream and can be tracked at the surface or by looking in manholes, move upstream in the direction of the discharge. Continue investigation at each intersection until the 1) source is found, 2) or the discharge can no longer be tracked upstream (e.g., underground between manholes or discharge dissipates with no discernable origin).

### **4.2 Illicit Discharge Detection**

Once a potential illicit flow has been tracked to the source or where no further visual evidence can be collected, Enforcement Officers or Environmental Coordinator must determine if the flow is an illicit discharge.

## **5.0 Follow-up**

If an illicit discharge or illegal dumping is detected, a full investigation into the pollutant source will be conducted. If the contaminant is discovered at a piped outfall, upstream manholes will be inspected to determine the discharge location. A camera truck may also be implemented to trace the location of discharge from within the pipe. See the Enforcement Response Plan (ERP) for the enforcement procedure process.

## **6.0 Reporting and Enforcement**

Reporting and enforcement are the final steps to removing illicit discharges. At this point, a discharge is known to be an illicit and the source has been positively identified or the discharge was tracked as far as possible. The steps outlined in the ERP can now be implemented if the source is identified.



## **APPENDIX A**

### **IDDE INSPECTION/INVESTIGATION: INSTRUCTIONS FLOWCHART FORM**



# Instructions for Completing the IDDE Inspection/Investigation Form

## Section 1: Background Data

Enter the outfall or screening point identification number from the stormwater outfall inventory. Include the: date including day month and year, name of the person or persons conducting the inspection/investigation, and a concise description of the weather conditions at the time of the assessment including approximate temperature. Note whether there has been measurable rainfall in the investigation area within the last 72 hours. Check the appropriate box for the type of assessment being conducted, and document observations with photographs whenever possible. Cameras that automatically date and time stamp photographs are preferred. Photographs should be appended to the final copy of the form and included in the electronic version of the form as well.

## Section 2: Physical Indicators

This section provides a description of the condition of the outfall. These physical indicators may provide evidence that illicit discharges have occurred when there is no flow at the time of the investigation. **This section is to be completed whether there is flow or not.**

### Flow Chart Procedure:

Do physical indicators suggest an illicit discharge has occurred? (Yes/No): Answer yes if there is physical evidence of past or current illicit discharges.

- If *No* is entered for flow and physical indicators, close the investigation and complete Section 4 of the form.
- If *No* is entered for flow but physical indicators are present, schedule a 3-Day Follow-Up inspection and complete Section 4.
- If *Yes* is entered for flow (regardless of the presence of physical indicators), complete and proceed to Section 3.

## Section 3: Discharge Description (Flowing Outfalls Only)

Complete table describing outfall characteristics (odor, color, turbidity, floatables). This section is filled out for flowing outfalls only. After documenting the physical properties of the discharge, the field crew should attempt to trace the flow to its source. If the flow originates underground and access to manholes in roadways is required for tracking, the process may need to be delayed until proper safety procedures (traffic control, confined space entry, etc.) can be arranged.

### Flow Chart Procedure:

- If the discharge can be tracked, implement tracking procedures, and identify the source.
- If the discharge cannot be tracked and shows signs of significant contamination, conduct field screening.

## Section 4: Enforcement and Resolution

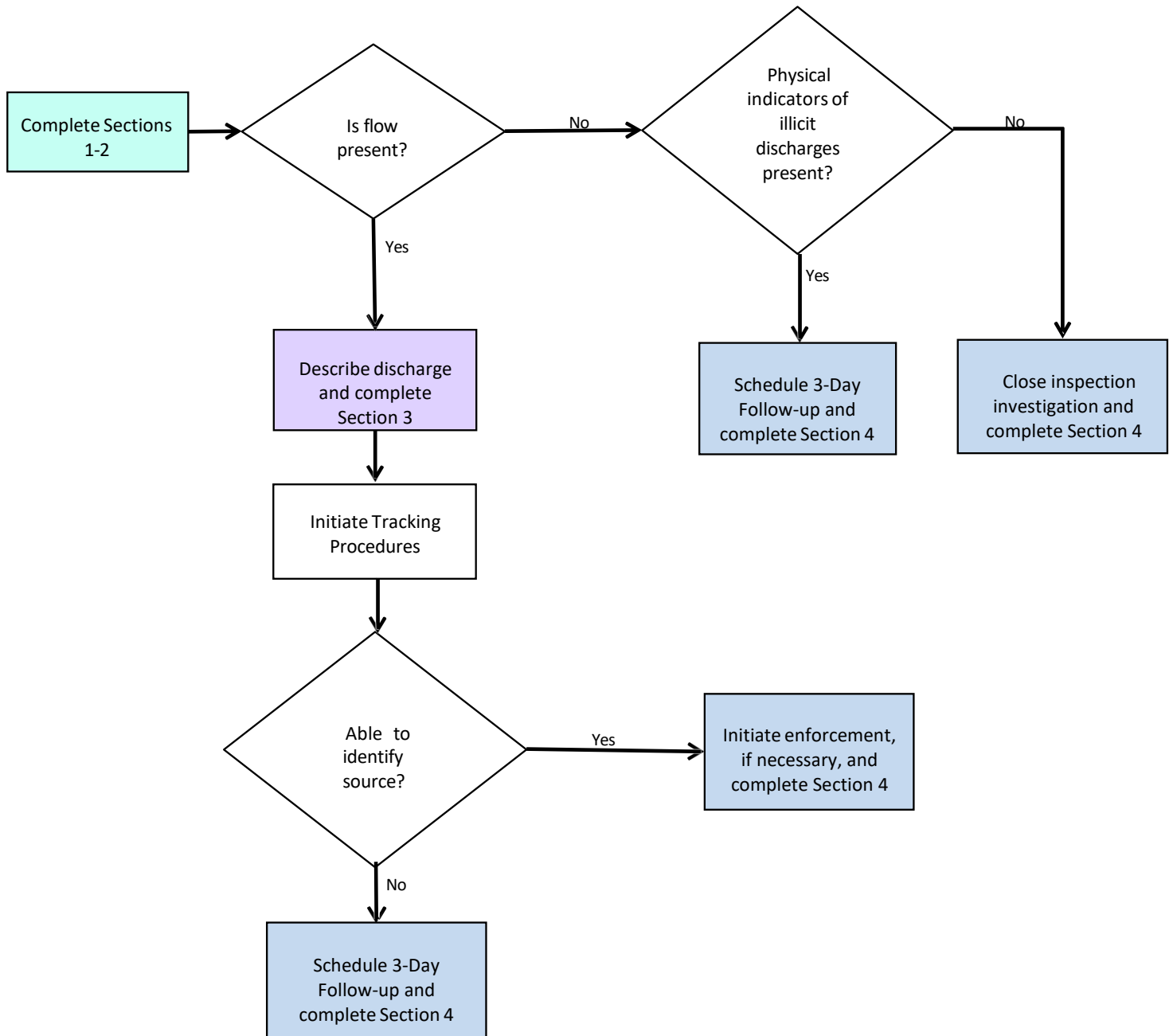
Check the appropriate box for the resolution of the investigation: Source Identified, 3-Day, Follow-up Inspection, or Investigation Closed.

Enforcement Action: Identify whether enforcement action was taken. Describe the action: verbal notice, written notice, etc.

Source/Resolution: Describe the source if found and final resolution.



**FLOW CHART FOR IDDE INSPECTION/INVESTIGATION FORM  
CITY OF CASA GRANDE**





**IDDE INSPECTION/INVESTIGATION FORM  
CITY OF CASA GRANDE**



**Section 1: Background Data**

Outfall ID:	Date:	Time:
Inspector/Investigator:		
<input type="checkbox"/> Dry Weather Inspection <input type="checkbox"/> IDDE Investigation <input type="checkbox"/> 3-Day Follow-up Inspection <input type="checkbox"/> Visual Assessment (If so, check sampling description boxes below) <input type="checkbox"/> Sampling Event #1 <input type="checkbox"/> Sampling Event #2		
Photos? <input type="checkbox"/> Yes <input type="checkbox"/> No      If yes, append photos to this report.		
Precipitation w/in last 72 hours? <input type="checkbox"/> Yes <input type="checkbox"/> No Approximate Rainfall (in) _____		Weather (approx. temp, etc.):
Land Use in Drainage Area (check all that apply):	<input type="checkbox"/> Open Space Other: _____ Known Industries: _____	
<input type="checkbox"/> Industrial <input type="checkbox"/> Residential <input type="checkbox"/> Commercial		

**Section 2: Physical Indicators**

INDICATOR	DESCRIPTION	COMMENTS
Outfall Damage	<input type="checkbox"/> None <input type="checkbox"/> Spalling, Cracking or Chipping <input type="checkbox"/> Peeling Paint <input type="checkbox"/> Corrosion <input type="checkbox"/> Other: _____	
Deposits / Stains	<input type="checkbox"/> None <input type="checkbox"/> Oily <input type="checkbox"/> Flow Line <input type="checkbox"/> Paint <input type="checkbox"/> Other: _____	
Abnormal Vegetation	<input type="checkbox"/> None <input type="checkbox"/> Excessive <input type="checkbox"/> Inhibited	
Poor Water Quality	<input type="checkbox"/> None <input type="checkbox"/> Odors <input type="checkbox"/> Colors <input type="checkbox"/> Floatables <input type="checkbox"/> Oil Sheen <input type="checkbox"/> Suds <input type="checkbox"/> Excessive Algae <input type="checkbox"/> Other: _____	
Pipe Algae Growth	<input type="checkbox"/> None <input type="checkbox"/> Brown <input type="checkbox"/> Orange <input type="checkbox"/> Green <input type="checkbox"/> Other: _____	
Do physical indicators suggest an illicit discharge has occurred? <input type="checkbox"/> No <input type="checkbox"/> Yes		
Flow Present?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, describe: <input type="checkbox"/> Trickle <input type="checkbox"/> Moderate <input type="checkbox"/> Substantial And go to Section 3. If no flow and no physical indicators, skip to Section 4 and close investigation. If no flow but physical indicators are present, skip to Section 4 and schedule 3-Day Follow-Up.



INDICATOR	CHECK if Absent	DESCRIPTION	RELATIVE SEVERITY INDEX (1-3)		
Odor	<input type="checkbox"/> (No odor)	<input type="checkbox"/> Sewage <input type="checkbox"/> Rancid/Sour <input type="checkbox"/> Sulfide <input type="checkbox"/> Laundry <input type="checkbox"/> Petro/gas <input type="checkbox"/> Other: _____	<input type="checkbox"/> 1-Faint	<input type="checkbox"/> 2-Easily detected	<input type="checkbox"/> 3-noticeable from a distance
Color	<input type="checkbox"/> (Colorless)	<input type="checkbox"/> Gray <input type="checkbox"/> Brown <input type="checkbox"/> Yellow <input type="checkbox"/> Green <input type="checkbox"/> Red/Orange <input type="checkbox"/> Multicolor <input type="checkbox"/> Other: _____	<input type="checkbox"/> 1-Faint color visible in sample bottle	<input type="checkbox"/> 2-Color clearly visible in sample bottle	<input type="checkbox"/> 3-Clearly visible in outfall flow
Turbidity	<input type="checkbox"/> (Clear)	See severity	<input type="checkbox"/> 1-Slightly cloudy	<input type="checkbox"/> 2-Cloudy	<input type="checkbox"/> 3-Opaque
Floatables – does not include trash!	<input type="checkbox"/> (Clean)	<input type="checkbox"/> Sewage <input type="checkbox"/> Suds/Foam <input type="checkbox"/> Oil sheen <input type="checkbox"/> Plant Debris <input type="checkbox"/> Other: _____	<input type="checkbox"/> 1-Few/slight; origin not obvious	<input type="checkbox"/> 2-Some indications of origin	<input type="checkbox"/> 3-Some; origin obvious
Do physical indicators suggest an illicit discharge is present? (Y/N)					

<input type="checkbox"/> Source identified (describe below) _____ <input type="checkbox"/> 3-Day Follow-up Inspection required (describe reason why below) _____ <input type="checkbox"/> No flow and no sign of illicit discharge, investigation closed.
Was enforcement action taken? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:
Source/Resolution:
_____ _____ _____ _____ _____
_____ _____ _____ _____ _____
_____ _____ _____ _____ _____





## **Municipal Facilities Inventory**



### Casa Grande Municipal Facilities Inventory List

Facility	Address	Site Inspection Schedule	Date inspected	Inspector
<b>Low Priority Facilities</b>				
Casa Grande Animal Care & Adoption	202 E 1st Ave	20% per year		
Casa Grande Municipal Court Building	375 E 9th St	20% per year		
Casa Grande Main Library	449 N Drylake St	20% per year		
Len Colla Recreation Center	1105 E 4th St	20% per year		
City Hall - Building B	510 E Florence Blvd	20% per year		
Dorothy Powell Senior Center	405 E 6th St	20% per year		
City Hall - Main Building	510 E Florence Blvd	20% per year		
Communications	520 N Marshall St	20% per year		
Casa Grande Recreation Center	1905 N. Peart Rd.	20% per year		
Car McNatt Park Maintenance Building	660 E. 10 <sup>th</sup> St.	20% per year		
<b>Medium Priority Facilities</b>				
Casa Grande Public Safety Facility	373 E Val Vista Blvd	Bi-annually		
Dave White Municipal Golf Course	2121 N Thornton Rd	Bi-annually		
Peart Center	605 N Drylake St	Bi-annually		
<b>High Priority Facilities</b>				
Fire Station 501	119 E Florence Blvd	Annually		
Fire Station 502	1479 E 9 <sup>th</sup> St	Annually		
Fire Station 503	420 W Rodeo Rd	Annually		
Fire Station 504	1637 E McCartney Rd	Annually		
Palm Island Family Aquatic Center	1115 N Brown Ave	Annually		
South Operations Center	314 E 1 <sup>st</sup> St	Annually		
<b>MSGP Facilities</b>				
North Operations Center	3181 N Lear Ave	n/a		
Casa Grande Landfill	5200 S Chuichu Rd	n/a		
Casa Grande Municipal Airport	3225 N Lear Ave	n/a		
Water Reclamation Facility	1194 W Kortsen Rd	n/a		
<b>Park Facilities</b>				
Albert Cruz	611 W Melrose Dr.	Weekly		
Burruss	1750 N Palm Park Blvd	Weekly		
Carr McNatt	1115 N Brown Ave	Weekly		
Casa Grande Mountain	2766 S Isom Rd	Weekly		
College	250 E Viola Rd	Weekly		
Colony	315 N Peart Rd	Weekly		
Dave White Regional	2121 N Thorton Rd	Weekly		
Eastland	1115 E 4 <sup>th</sup> St	Weekly		
Ed Hooper Regional	2525 N Pinal Ave	Weekly		
Elliot	150 S Florence St	Weekly		
Gilbert	1140 E Trinity Pl	Weekly		
Grande Sports World	12684 W Gila Bend Hwy	Weekly		
Ivy	1638 Carolyn Way	Weekly		
Little League	1000 N Amarillo St	Weekly		



Mosely	210 N Pueblo Dr	Weekly		
Mountain View/ Santa Rosa	1304 E Rodeo Rd	Weekly		
North Mountain	11401 W Camdon Dr	Weekly		
Nutt Family	340 E Ash Ave	Weekly		
O'Neil	1645 N Casa Grande Ave	Weekly		
Peart	350 E 6 <sup>th</sup> St	Weekly		
Rancho Grande	2540 N Pueblo Dr	Weekly		
Reed Mashmore	259 E 4 <sup>th</sup> St	Weekly		
Rotary	2220 N Trekkell Rd	Weekly		
Sierra Ranch	1847 E Sierra Pkw	Weekly		
Villago Community	3368 N Pinal Ave	Weekly		
Ward	1117 N Walnut Dr	Weekly		
West	611 W 11 <sup>th</sup> St	Weekly		
Western Manor	815 N Garden Ave	Weekly		





**MS4 PERMIT**





ARIZONA DEPARTMENT  
OF  
ENVIRONMENTAL QUALITY



**Arizona Pollutant Discharge Elimination System  
General Permit for Stormwater Discharges  
From Small Municipal Separate Sewer Systems  
to Protected Surface Waters**

This permit provides authorization to discharge under the Arizona Pollutant Discharge Elimination System (AZPDES) program, in compliance with the provisions of the Arizona Revised Statutes (A.R.S.), Title 49, Chapter 2, Article 3.1, the Arizona Administrative Code (A.C.C.), Title 18, Chapter 9, Article 9, and Chapter 11, Article 1; and the Clean Water Act as amended (33 U.S.C. 1251 *et seq.*). This general permit authorizes stormwater discharges of pollutants from small municipal separate storm sewer systems (MS4s) in Arizona to Protected Surface Waters, pursuant to federal conditions in 40 CFR § 122.34 and A.R.S. Title 49 Chapter 2, Article 3.1 *et seq.* State requirements for discharges to non-WOTUS protected surface waters are enforceable solely by the Arizona Department of Environmental Quality (ADEQ). All discharges authorized by this general permit shall be consistent with the terms and conditions of this general permit.

This general permit is effective on September 30, 2021.

This general permit and the authorization to discharge expires at midnight on September 29, 2026.

This general permit was modified on Sep 16, 2022

**ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**

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Trevor Baggione, Director  
Water Quality Division



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## **1.0 COVERAGE UNDER THIS GENERAL PERMIT**

### **1.1 Permit Area (40 CFR 122.28(a)(1))**

This permit covers and applies to traditional and non-traditional regulated, Small Municipal Separate Storm Sewer Systems (MS4s) in Arizona except those located in Indian Country. This permit is not authorized for use by sites with stormwater discharges associated with MS4s on any Indian Country lands in Arizona. Authorization for discharges in Indian Country must be obtained through US EPA Region IX or other appropriate authority.

- City or Town – Urbanized area(s) determined by the most recent Decennial Census by the Bureau of Census, including areas annexed during the permit term;
- County – Unincorporated urbanized area determined by the most recent Decennial Census by the Bureau of Census;
- State, federal, and other publicly-owned properties that the Director determines contributes to a violation of a water quality standard or is a significant contributor of pollutants to protected surface waters; and
- Areas outside of an urbanized area as designated by the Director pursuant to Arizona Administrative Code (A.A.C.) R18-9-A902(D).
- If your small MS4 is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated, pursuant to 40 CFR 122.32(1)(a).

### **1.2 Eligibility (40 CFR 122.32)**

This permit authorizes the discharge of stormwater from MS4s to all waters on the protected surface water list, including discharges to waters of the U.S. (WOTUS) and non-WOTUS protected surface waters. The requirements of discharges to non-WOTUS protected surface waters are state-only, and enforceable solely by ADEQ. An MS4 requiring coverage:

1. Is located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census; or
2. Is designated for permit authorization by the department under the A.A.C. R-18-9-A902(D)(1), R18-9-A902(D)(2), R-18-9-A902(E), R18-9-A905(A)(1)(f) which incorporates 40 CFR §122.32.
3. Existing permittees shall implement all requirements of this permit within one (1) year of the effective date of the permit. Existing permittees shall maintain their Stormwater Management Program (SWMP) implemented under the 2016 Phase II MS4 permit until requirements of this permit are implemented.
4. New permittees shall implement all requirements of this permit within two (2) years of obtaining permit coverage. During the first two permit years, new



permittees may request, in writing to ADEQ, a one-time extension of one (1) additional year to complete a specific permit requirement. Requests should be emailed to [AZPDES@azdeq.gov](mailto:AZPDES@azdeq.gov).

### **1.3 Limitations of Coverage**

This general permit does not authorize:

1. Discharges mixed with sources of non-stormwater unless the non-stormwater discharges comply with an applicable NPDES or AZPDES permit, as addressed in Part 6.3(6), IDDE;
2. Stormwater discharges associated with industrial activity as defined in 40 CFR §122.26(b)(14)(i)-(ix) and (xi);
3. Stormwater discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15);
4. Stormwater discharges currently covered under another permit;
5. Discharges to impaired or not-attaining waters, listed in the Clean Water Act 303(d) list of Impaired Waters, if discharge(s) from the MS4 contain, or may contain, pollutant(s) for which the receiving water is listed except:
  - a. If a TMDL has been established and the stormwater management program (SWMP) is consistent with the requirements of the TMDL, including any wasteload allocation or load allocation in the TMDL. (See Appendix C for specific TMDL wasteload allocations.) The SWMP shall also identify Best Management Practices (BMPs) the permittee will use to meet wasteload allocations or load allocations and include monitoring for associated pollutant(s); and
  - b. If a TMDL has not been established and the SWMP includes a section describing how the program will control the discharge of 303(d) listed pollutants and ensure to the maximum extent practicable that discharges from the MS4 will not cause or contribute to exceedances of surface water quality standards (SWQS). The SWMP shall also identify BMPs the permittee will use to control discharges and include monitoring of their effectiveness.
6. New or expanded point-source discharges directly to water classified as an Outstanding Arizona Water (OAW) under A.A.C. R18-11-112.

### **1.4 Permit Compliance (40 CFR 122.36)**

Non-compliance with any requirement of this permit constitutes a violation of the permit and may result in an enforcement action, including notices of violation, consent orders, injunctive relief and/or penalties under state and federal laws.



## **2.0 AUTHORIZATION UNDER THIS PERMIT**

Existing permittees that have coverage as of the effective date of this permit:

1. Within the first year of this permit, the permittee shall update the SWMP as necessary to comply with the requirements of Part 4 of this permit; and
2. Within the first 60 calendar days from the effective date of this permit, the permittee shall submit a new NOI in myDEQ. The MS4 may continue to comply with the terms and conditions of the expired permit (AZG2016-002) until the NOI is submitted and payment is made for the permit application fee.

New permittees shall submit a NOI in myDEQ and pay the permit application fee to obtain coverage under this permit.

### **2.1 Notice of Intent (NOI)**

1. A person seeking authorization to discharge under this general permit shall submit to the department a complete and accurate NOI on a form provided by the department and includes, at a minimum, the following information:
  - a. Name of MS4;
  - b. Operator name and title;
  - c. Mailing address;
  - d. Annual fee billing information;
  - e. Contact person;
  - f. Contact information;
  - g. Estimated population of regulated area (based on most recent decennial census by the Bureau of Census);
  - h. Protected surface water(s);
  - i. The number of outfalls that discharge to a protected surface water(s); and
  - j. Outfall name or identification, for outfalls required in "i" above.
2. If the department notifies the applicant of deficiencies or inadequacies in any portion of the NOI, or requests additional information, the applicant shall correct the deficient or inadequate portions and submit a revised NOI that addresses the deficiencies within seven (7) days of receiving notification.
3. The permittee shall submit a revised NOI to the department within fifteen (15) days whenever there is a change of information (certifying official, mailing address, contact information, etc.).



## **2.2 Permit Fees**

Permittees are subject to fees established in A.A.C. R18-14-109, Table 6. The department will issue an invoice annually to the permittee at the address identified on the NOI. Permittees shall submit the applicable fee when submitting an NOI to obtain coverage under this permit.

## **2.3 Terminating Coverage (NOT)**

A permittee may terminate coverage under this general permit by submitting a NOT on a form provided by the department. Authorization to discharge terminates at midnight on the day the NOT is received by the department.

If the operator does not obtain coverage under an alternate AZPDES permit that authorizes the discharge of stormwater prior to submitting the NOT, the operator will be considered discharging without a permit.

NOTs shall be signed in accordance with Part 9.9 and shall be submitted to ADEQ via email at [AZPDES@azdeq.gov](mailto:AZPDES@azdeq.gov). The email subject line must include "Termination – MS4 Permittee Name."

## **2.4 Coverage under an Individual Permit**

Pursuant to A.A.C. R18-9-C902, a person may request, or be required by the Director, to obtain coverage under an individual permit.

## **2.5 Continuation of this General Permit**

If this permit is not reissued prior to the expiration date, it will be administratively continued in accordance with A.A.C. R18-9-C903 and remain in force and effect for discharges that were authorized prior to expiration.

If the MS4 operator does not submit a timely, complete, and accurate NOI requesting authorization to discharge under a reissued permit or a timely request for authorization under an individual or alternative general permit, authorization under this permit will terminate on the effective date of the reissued permit unless otherwise specified in this permit. See Part 2.0.



### **3.0 STORMWATER PROGRAM ENFORCEMENT**

#### **3.1 Establish Enforcement Procedures (40 CFR 122.34(b)(3)(B))**

Permittees shall adopt and implement local ordinance(s) or other regulatory mechanism(s) that provide adequate enforcement procedures to satisfy the requirements of this permit to control pollutant discharges into its MS4.

#### **3.2 Enforcement Requirements**

If not already developed, the permittee shall establish and exercise enforcement procedures to comply with this permit. To be considered adequate, enforcement procedures shall, at a minimum, address the following:

1. Prohibit and eliminate illicit connections and discharges to the MS4;
2. Control the discharge of spills, and prohibit dumping or disposal of material other than stormwater into the MS4;
3. Require compliance with conditions in the permittee's ordinances, permits, contracts, or orders;
4. Require owners/operators of construction activities, new or redeveloped land, and industrial and commercial facilities to minimize the discharge of pollutants to the MS4 through the installation, implementation, and maintenance of stormwater control measures;
5. To the extent allowed under State law, the permittee shall have methods to enter private property for the purpose of inspecting at reasonable times any facilities, equipment, practices, or operations related to stormwater discharges to determine whether there is compliance with local stormwater control ordinances/standards;
6. The permittee shall promptly require violators cease and desist illicit discharges or discharges of stormwater in violation of any ordinance or standard and/or cleanup and abate such discharges;
7. To the extent allowable under State and federal law, the permittee shall impose civil or criminal sanctions (including referral to a city or district attorney) and escalate corrective response, consistent with its enforcement response;
8. Identify departments within the permittee's jurisdiction that conduct stormwater-related activities and their roles and responsibilities under this permit. Include an up-to-date organizational chart specifying these departments and key personnel positions;
9. Identification of the local administrative and legal procedures and ordinances available to mandate compliance with stormwater-related ordinances and therefore with the conditions of this permit; and



10.A description of how stormwater related-ordinances are implemented and appealed.

### **3.3 Enforcement Response Plan(s)**

The permittee shall develop an enforcement response plan (ERP) that specifies how it will exercise its legal authority to comply with this permit. The ERP shall include a prioritization schedule that establishes escalated enforcement for non-compliance of illicit discharges and construction activities. In developing the ERP, the permittee shall include the following factors in prioritizing escalated enforcement:

1. Severity of non-compliance;
2. Repeated non-compliance;
3. Proximity to a receiving water or storm sewer system; and
4. Other appropriate factors.



#### **4.0 STORMWATER MANAGEMENT PROGRAM**

The permittee shall develop, implement, and enforce a Stormwater Management Program (SWMP) that is designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the federal Clean Water Act and A.R.S Title 49 Chapter 2, Article 3.1 *et seq.* The program shall be documented and available for review by ADEQ, U.S. EPA, and interested persons.

1. Existing permittees shall modify or update their existing SWMP to meet the terms and conditions of this permit within one (1) year of the effective date of this permit.
2. New permittees shall develop a SWMP that meets the conditions of this permit within two (2) years of the effective date of their coverage.
3. At a minimum, and at least annually, all permittees shall assess, evaluate, and update the SWMP and incorporate any revisions necessary to maintain permit compliance. The annual SWMP review shall occur in connection with preparing the annual report (see Parts 8.1 and 8.3).

#### **4.1 Contents of the Stormwater Management Program**

At a minimum, the SWMP shall contain the following:

1. Listing of all protected surface waters, their classification under the applicable state surface water quality standards (SWQS), any impairment(s) and associated pollutant(s) of concern, applicable TMDLs and WLAs, and number of outfalls from the MS4 that discharge to each waterbody;
2. The process and schedule for creating and maintaining an up-to-date map that includes, at a minimum, the storm sewer system, outfalls, and protected surface waters;
3. Illustrate any areas that are not subject to the MS4 and identify why there is no discharge within the MS4 boundaries;
4. Listing of all known, ongoing discharges that cause or contribute to the exceedance of an applicable surface water quality standard;
5. Description of practices to achieve compliance with the permit. For each permit condition identify:
  - a. The personnel, position or department responsible for implementing the measure; and
  - b. The BMPs for each control measure or permit requirement.
6. Description of practices to achieve compliance with applicable TMDLs or waste load allocation, including measurable goal(s) for each BMP and



corresponding milestones and timeframes. Each goal shall have an associated measure of assessment;

7. Analytical monitoring program for impaired or not-attaining waters, and for Outstanding Arizona Waters to ensure compliance with permit limitations, wasteload allocation(s), and SWQS;
8. The analytical monitoring program shall include a Sampling and Analysis Plan (SAP) that includes the following minimum components: sample collection, equipment and containers, decontamination, calibration procedures, sample frequency (based on illicit discharge characteristics), document site conditions, field notes, sample preservation, tracking (chain-of-custody), and handling;
9. Protocol for annual program evaluation (Part 8.1). Update annually and maintain copies; and
10. Identification of personnel (department, position, etc.) responsible for program implementation.

#### **4.2 Stormwater Management Plan Availability**

The permittee shall retain a copy of the current SWMP required by this permit at the office or facility identified on the NOI and shall be available upon request by ADEQ or U.S. EPA, or their authorized representatives.

A copy of the most up-to-date SWMP shall be made available to the public during normal business hours and posted on the permittee's website.



## **5.0 WATER QUALITY STANDARDS**

The permittee shall develop, implement and enforce a program to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of federal and state laws.

### **5.1 Water Quality Based Effluent Limitations**

Pursuant to Clean Water Act 402(p)(3)(B)(iii) and A.R.S 49-255.04, this permit includes provisions to ensure that discharges from the permittee's small MS4 do not cause or contribute to an exceedance of SWQS, in addition to requirements to reduce the discharge of pollutants to the maximum extent practicable.

To assure compliance with permit limitations, ADEQ may require the permittee to conduct analytical monitoring and will provide notice to the permittee in writing (see Part 7).

### **5.2 Surface Water Quality Standards (SWQS)**

1. The permittee shall implement the six (6) Minimum Control Measures (MCMs) specified in Part 6 to the maximum extent practicable to protect water quality, and to satisfy water quality requirements of the Clean Water Act, including attainment of SWQS.
2. If the permittee discovers, or is otherwise notified by ADEQ or U.S. EPA, that a discharge from the MS4 is causing or contributing to an exceedance of an applicable surface water quality standard, the permittee shall expand or better tailor its BMPs within the scope of the six (6) minimum control measures in Part 6.0 to achieve progress toward attainment of SWQS. The requirements for discharges to non-WOTUS protected surface waters are state-only, and enforceable solely by ADEQ.



## 6.0 MINIMUM CONTROL MEASURES

The permittee shall reduce the discharge of pollutants to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate requirements of the Clean Water Act and A.R.S 49-255.04 by implementing the six (6) minimum control measures (MCMs) in parts 6.1 – 6.6 below.

1. Existing permittees shall continue to implement their existing SWMPs while making updates pursuant to this permit. This permit does not extend the compliance deadlines set forth in previous permits.
2. Implementation of one (1) or more of the minimum control measures described in Parts 6.1 – 6.6 or other permit requirements may be shared with another entity (including another interconnected MS4) or the other entity may fully implement the measure or requirement, if the following requirements are satisfied (See 40 CFR 122.35(a)):
  - a. The other entity implements the control measure as specified in the SWMP;
  - b. The particular control measure or component thereof undertaken by the other entity is at least as stringent as the corresponding permit requirements
  - c. The other entity agrees to implement the control measure on the permittee's behalf. The SWMP shall specify that the permittee is relying on another entity to satisfy some of its permit obligations and specify what those obligations are;
  - d. The permittee remains responsible for compliance with all permit obligations if the other entity fails to implement the control measures (or component thereof). The permittee may enter into a legally binding agreement with the other entity regarding the other entity's performance of control measures, but the permittee remains ultimately responsible for permit compliance.

### 6.1 Public Education and Outreach (40 CFR 122.34(b)(1))

The permittee shall identify and implement an educational program that focuses on the impacts of stormwater discharges to and from the MS4.

1. At a minimum, the permittee shall provide public education, outreach to at least one (1) target group, and focus its efforts on conveying relevant messages using one (1) or more appropriate topics listed below during each year of the permit term. Topics listed are not exclusive, and the permittee may focus its effort on one (1) or more target group(s) and topic(s) most relevant to the MS4.
  - a. Target Groups:

General Public, Residential Community, Homeowners, , Schools



b. Topics:

- i. Post-construction ordinances and long-term maintenance requirements for permanent stormwater controls;
  - ii. Stormwater runoff issues and residential stormwater management practices;
  - iii. Potential water quality impacts of application of pesticides, herbicides and fertilizer and control measures to minimize runoff of pollutants in stormwater;
  - iv. Potential impacts of animal waste on water quality and the need to clean up and properly dispose of pet waste to minimize runoff of pollutants in stormwater;
  - v. Illicit discharges and illegal dumping, proper management of non-stormwater discharges, and to provide information on reporting spills, dumping, and illicit discharges;
  - vi. Spill prevention, proper handling and disposal of toxic and hazardous materials, and measures to contain and minimize discharges to the storm sewer system;
  - vii. Installation of catch basin markers or stenciling of storm sewer inlets to minimize illicit discharges and illegal dumping to storm sewer system;
  - viii. Proper management and disposal of used oil; or
  - ix. Community activities (monitoring programs, environmental protection organization activities, etc.).
2. At a minimum, the permittee shall provide business sector education/outreach to at least one (1) target group and focus its efforts on conveying relevant messages using one (1) or more appropriate topic(s) listed below during each year of the permit term. Topics listed are not exclusive, and the permittee may focus its efforts on one (1) or more target group(s) and topic(s) most relevant to the MS4.

1. Target Groups:

Development, Community/Home Owner Association, Construction Site Operators, Targeted Sources or Types of Businesses (industrial or commercial)

2. Topics:

- i. Planning ordinances and grading and drainage design standards for stormwater management in new developments and significant redevelopments;



- ii. Post-construction ordinances and long-term maintenance requirements for permanent stormwater controls;
  - iii. Municipal stormwater requirements and stormwater management practices for construction sites;
  - iv. Illicit discharges and proper management of non-stormwater discharges;
  - v. Spill prevention, proper handling of toxic and hazardous materials, and measures to contain and minimize discharges to the storm sewer system;
  - vi. Proper management and disposal of used oil and other hazardous or toxic materials, including practices to minimize exposure of materials/wastes to rainfall and minimize contamination of stormwater runoff;
  - vii. Stormwater management practices, pollution prevention plans, and facility maintenance procedures; or
  - viii. Water quality impacts associated with land development (including new construction and redevelopment).
3. The program shall focus on messages for specific audiences as well as show progress toward the defined educational goals of the program. The permittee shall identify methods that it will use to evaluate the effectiveness of the educational messages and the overall education program.
4. The permittee shall modify any ineffective messages or distribution techniques on an annual basis. See Part 8.1(3) for record keeping requirements.

## **6.2 Public Participation and Involvement (40 CFR 122.34(b)(2))**

The permittee shall provide opportunities to engage the public to participate in the review and implementation of the permittee's SWMP.

- 1. All public involvement activities shall comply with state and local public notice requirements. The SWMP and all annual reports shall be available to the public. The current SWMP and annual report in subsequent years shall be posted no later than 30-days of the due date of the annual report. See 1.2(3) and (4).
- 2. The permittee shall annually provide the public an opportunity to participate in the review, revisions, updates, and implementation of the SWMP.
- 3. The permittee shall create opportunities for citizens to participate in the implementation of stormwater controls, for example, but not limited to:
  - a. Stream clean-ups;
  - b. Storm drain stenciling;



- c. Volunteer monitoring;
  - d. Disposal of household hazardous waste;
  - e. Educational activities; and
  - f. Facilitation of Adopt-A-Wash, Adopt-A-Park, and Adopt-A-Street litter control activities.
- 4. The permittee shall provide and publicize a reporting system to facilitate and track public reporting of spills, discharges and/or dumping to the MS4 on a continuous basis.
  - 5. The permittee shall document the details of the public involvement and participation program in the SWMP.

### **6.3 Illicit Discharge Detection and Elimination (IDDE) Program**

(40 CFR 122.34(b)(3))

The permittee shall identify, develop, implement and enforce a program to detect and eliminate illicit discharges into the MS4. The IDDE program shall be recorded in a written document and maintained in the SWMP. The IDDE program shall include each of the elements listed in this section.

#### **1. Storm Sewer Mapping**

The permittee shall prepare and maintain an up-to-date map of the MS4. At a minimum, the storm sewer map shall be sufficient in scope and detail to identify and isolate illicit discharges. The permittee is not required to submit storm sewer system mapping infrastructure to ADEQ unless specifically requested, and shall make mapping information available to ADEQ or EPA to assess permit compliance.

The permittee shall develop a map that includes, at a minimum, the following:

- a. Storm sewer system including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains that are owned or operated by the permittee and convey stormwater to protected surface waters.
- b. The location of all outfalls; and
- c. The name and location of all protected surface waters that receive discharges from outfalls.

Existing permittees shall review and update maps within one (1) year from the effective date of this permit, including areas annexed within the previous permit term.

For existing permittees that have an increase of their "Urbanized Area" (UA) based on the 2020 Census, mapping shall be completed as following:



- a. Within three (3) years from the effective date of the updated UAs from the Decennial Census;
- b. At a minimum of 33% each year (permit years 1-3) and will be updated in the annual report; and
- c. Supporting documentation should be maintained in the SWMP.

New permittees must include a mapping schedule in their NOI. The schedule must include how the permittee will conduct the mapping process, a timeline, and estimated completion dates.

## **2. Enforcement Procedures**

- a. The permittee shall prohibit non-stormwater discharges into the storm sewer system by implementing appropriate enforcement procedures and actions authorized by current ordinances, by-laws or other regulatory mechanisms. See Part 3.2 Enforcement Requirements for additional requirements on ordinances.
- b. The written IDDE program shall include a reference or citation of the authority (ordinance or other regulatory mechanism) the permittee will use to implement all aspects of the IDDE program.

## **3. Statement of IDDE Program Responsibilities**

The permittee shall establish a written statement that clearly identifies responsibilities with regard to eliminating illicit discharges. The statement shall identify the lead municipal agency or department responsible for implementing the IDDE Program as well as any other agencies or departments that may have responsibilities for aspects of the program. Where multiple departments and agencies have responsibilities to the IDDE program, specific areas of responsibility shall be defined and processes for coordination and data sharing shall be established and documented.

## **4. Illicit Discharge Detection and Elimination Reporting**

The Permittee shall track and maintain records of the activities conducted to meet the requirements of Parts 6.1 – 6.6. The Permittee shall submit as part of each annual report a summary of IDDE activities in tabular format. The required fields are:

- a. MS4 Name;
- b. Date incident reported or discovered;
- c. Date of the beginning of your response;
- d. Date of the end of your response;
- e. Did the discharge reach a protected surface water (yes, no, or unknown);
- f. Incident location (address or latitude and longitude);
- g. Pollutants;



- h. Source; and
- i. Correction method(s).

5. Eliminating Illicit Discharges

Illicit discharges to the MS4 are prohibited and constitute a violation of this permit, when the permittee is not fully implementing applicable permit requirements and the SWMP.

Upon detection of an illicit discharge, or receipt of a complaint regarding a discharge, the permittee shall eliminate the discharge as expeditiously as possible. The permittee shall identify and notify all responsible parties for any such discharge and require immediate cessation in accordance with its legal authorities. Where elimination of an illicit discharge is not immediately possible, the permittee shall establish an expeditious schedule for its elimination and report the dates of identification and schedules for removal in the permittee's annual reports. The permittee shall immediately commence actions necessary for elimination. In the interim, the permittee shall take all reasonable and prudent measures to minimize the discharge of pollutants to its MS4.

6. Non-Stormwater Discharges

The following categories of non-stormwater discharges or flows shall be addressed when such discharges are identified by the permittee as sources of pollutants to a protected surface water:

- a. Water line flushing;
- b. Landscape irrigation, including flood irrigation;
- c. Diverted stream flows;
- d. Rising ground waters;
- e. Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(b)(20)) to separate storm sewers;
- f. Uncontaminated pumped groundwater;
- g. Discharges from potable water sources;
- h. Foundation drains;
- i. Air conditioning condensation;
- j. Irrigation water;
- k. Springs;
- l. Water from crawl space pumps;
- m. Footing drains;



- n. Lawn watering;
- o. Individual residential car washing;
- p. Flows from riparian habitats and wetlands;
- q. Dechlorinated swimming pool discharges;
- r. Street wash water;
- s. Discharges or flows from emergency firefighting activities;
- t. Discharges authorized by another NPDES or AZPDES permit.

7. Visual Monitoring

The permittee shall develop, implement, and maintain a visual monitoring program that includes both dry weather and wet weather stormwater discharges to identify, monitor, and eliminate illicit discharges; and to ensure compliance with effluent limitations in this permit. The ratio of dry weather and wet weather screenings conducted each year will be determined by the permittee.

- a. The monitoring programs shall include written procedures for conducting visual monitoring of outfalls from the MS4. Monitoring procedures shall include, at a minimum, the following information/observations: outfall identification, personnel, time, date, weather conditions at time of inspection, estimated flowrate, apparent odor, color, clarity, debris, floatables, and other necessary information to characterize the screening.
- b. The permittee shall visually monitor at least 20% of all outfalls each year including both dry and wet weather screenings. The ratio of dry weather and wet weather screenings conducted each year will be determined by the permittee. Re-inspection of outfalls may be included in the annual monitoring percentage. In the event an illicit discharge is discovered, the permittee shall implement measures to eliminate the illicit discharge (parts 6.3(1) - 6.3(6)); and
- c. Follow-up Screening: The permittee shall establish a follow-up screening schedule for identified or suspected illicit discharges to ensure they do not recur.
- d. In the event a Small MS4 has fewer than five (5) outfalls, a minimum of five (5) screening points, or combination of outfalls and screening points, shall be utilized for the visual monitoring requirement. Screening points shall be at locations where stormwater leaves the Small MS4's permitted area including locations where stormwater may discharge to another MS4 or other conveyance.



**8. Indicators of IDDE Program Progress**

The permittee shall define or describe indicators for tracking program success. At a minimum, indicators shall include measures that demonstrate efforts to locate illicit discharges that were identified and removed. Such measures may include response time to inspection, an increase in public awareness, time from discovery to elimination, and other appropriate factors. The permittee shall evaluate the overall effectiveness of the program at least annually and incorporate improvements as necessary.

**9. Staff Training**

The permittee shall, at a minimum, provide annual training to employees involved in the IDDE program (e.g., street workers, inspectors, solid waste personnel, etc.). The training shall include the IDDE program components and how to recognize illicit discharges.

**10. AZPDES Non-Filers**

The permittee shall implement a program to identify illicit discharges to the MS4 identified in accordance with the IDDE program established in Section 6.3. The permittee shall report suspected non-filers to ADEQ within 30 days. The report provided to ADEQ shall include, at a minimum, the facility name and the location of the suspected non-filer. The reports shall be submitted to ADEQ at [AZPDES@azdeq.gov](mailto:AZPDES@azdeq.gov). If more than one non-filer is identified within a 30-day period, the notifications may be combined into a single report.

**6.4 Construction Activity Stormwater Runoff Control (40 CFR 122.34(b)(4))**

The permittee shall develop, implement, maintain, and enforce a construction activity stormwater runoff control program to minimize or eliminate pollutant discharges to the MS4s from construction activities that will disturb one (1) or more acres of land, including sites less than one (1) acre that are part of a common plan of development or sale.

**1. Construction Activity Stormwater Runoff Implementation**

The permittee shall assess existing legal authority, codes, and other relevant mechanisms and adopt, and implement measures to ensure compliance with construction activity runoff timeframe(s) specified in Part 3.1.

**2. Construction Activity Stormwater Runoff Program Components**

The construction activity stormwater runoff control program shall include, at a minimum, the elements in paragraphs a. through h. of this part:

- a. An ordinance or other regulatory mechanism that requires the use of sediment and erosion control practices and allows the permittee, to the extent authorized by law, to impose sanctions ensuring compliance with the local program. See Part 3.2 Enforcement Requirements for additional requirements on ordinances.



- b. An inventory of all construction activities that disturb or will disturb one (1) or more acres within the permitted area, including those that are less than one (1) acre but are part of a larger common plan of development or sale if the larger common plan will ultimately disturb greater than one (1) acre.
- c. Written procedures for site plan review shall include:
  - 1. A review of the site design;
  - 2. The planned operations at the location of the construction activity;
  - 3. Planned stormwater controls during each construction phase; and
  - 4. The planned controls to be used to manage runoff created after development. (see 6.5)
- d. Written procedures for site inspections and enforcement of sediment and erosion control measures. The procedures shall clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures. The program shall allow the MS4, to the extent authorized by law, to impose sanctions ensuring compliance with the local program. These procedures and regulatory authorities shall be documented in the SWMP.
- e. In developing procedures for site inspections and enforcement control measures, the permittee shall consider, at a minimum, the following:
  - 1. The phase of construction;
  - 2. Proximity to an impaired, not-attaining or OAW;
  - 3. Size of the construction activity (acreage disturbed); and
  - 4. History of non-compliance (site or operator).
- f. Implement procedures for site inspections of public and private construction projects in accordance with the frequency specified below:
  - 1. Sites (1) one acre or larger that are within 1/4 mile of an impaired or not-attaining protected surface water, that is impaired for turbidity or Suspended Sediment Concentration (SSC), shall be inspected a minimum of once per week, and within 24 hours of the occurrence of each storm event of 0.5 inches or greater in a 24 hour period;
  - 2. Site inspection frequency for sites not subject to part f.1 (above) may follow section a or b below, or any combination thereof:
    - a. Sites shall be inspected within one month of the start of construction. This inspection may count towards quarterly inspections.
      - i. Sites shall be inspected quarterly; and
      - ii. Sites shall be inspected upon completion of construction and prior to final approval or occupancy. This inspection may count towards quarterly inspections.



- b. Sites meeting the below i - v requirements may reduce inspection frequency to every six months. The permittee must document which sites are inspected under this reduced frequency section:
  - i. The nearest downstream receiving water is ephemeral;
  - ii. The construction activity occurs on a site designed so that all stormwater generated by disturbed areas of the site exclusive of public rights-of-way is directed to one or more retention basins that are designed to retain the runoff from an extreme event. For the purposes of this subsection, "extreme event" means a rainfall event that meets or exceeds the local one hundred-year, two-hour storm event as calculated by an Arizona registered professional engineer using industry practices;
  - iii. The owner or operator complies with erosion and sediment control measures;
  - iv. The owner or operator maintains the capacity of the retention basins; and
  - v. Construction conforms to the standards prescribed by this section.

Compliance during this permit term shall be determined by achieving at least 80% of scheduled inspections annually.

- g. Based on construction activity inspection findings, the permittee shall take all necessary follow-up actions (i.e., re-inspection, enforcement) to ensure compliance in accordance with the permittee's enforcement response plan required under Part 3.3.
- h. The permittee shall require construction operators to implement sediment and erosion control BMPs appropriate for the conditions at the construction site. Examples of appropriate sediment and erosion control measures for construction activities include local requirements to:
  - 1. Minimize the amount of disturbed area and protect natural resources;
  - 2. Stabilize sites when projects are complete or operations have temporarily ceased;
  - 3. Protect slopes on the site of the construction activity;
  - 4. Protect storm drain inlets and armor all newly-constructed outlets;
  - 5. Use perimeter controls at the site;
  - 6. Stabilize entrance(s) and exit(s) at the location of the construction activity to prevent off-site tracking; and
  - 7. Inspect stormwater controls at consistent intervals.



- i. The permittee shall require construction operators to control wastes, including but not limited to: discarded building materials, paints, fertilizers, concrete washout, chemicals, litter, equipment leaks, and sanitary wastes.

3. Personnel Qualifications

The permittee shall ensure staff who conduct activities related to implementing the construction stormwater program (permitting, plan review, construction activity inspections, enforcement, etc.) have the knowledge, skills, and abilities to proficiently carryout their assigned duties.

4. Construction Activity Operator Education and Public Involvement

The permittee must develop and implement a program to provide education to construction activity operators on erosion and sediment control BMP requirements and establish procedures for receipt of, and consideration of, information submitted by the public.

**6.5 Post-Construction Stormwater Management in New Development and Redevelopment (40 CFR 122.34(b)(5))**

The permittee shall develop, implement, and enforce a program to address post-construction stormwater runoff from new development and redevelopment projects that disturb one (1) or more acres of land (or less than one (1) acre if part of a common plan of development) that discharge into the permittee's MS4.

1. The post-construction stormwater management program shall include a combination of structural and/or non-structural best management practices, as well as the components identified in this section.
2. An ordinance or regulatory mechanism shall be implemented to address runoff from new development and redevelopment projects. The regulatory mechanism shall specify that owners or operators of new development and redevelopment sites discharging to the MS4, design, install, and maintain post-construction stormwater controls that reduce or eliminate the discharge of pollutants from the site after construction activities are completed. See Part 3.2 Enforcement Requirements for additional requirements on ordinances.

Permittees shall evaluate existing ordinance or other regulatory mechanism(s) to address post-construction stormwater runoff from new development and redevelopment projects. If it is determined existing ordinances or other regulatory mechanism(s) shall be modified, the permittee shall develop, adopt and implement a revised ordinance or other mechanism within the timeframes(s) specified in Part 3.1.

The permittee's new development/redevelopment program shall have procedures to ensure any stormwater controls or management practices for new development and redevelopment will prevent or minimize impacts to water quality from stormwater runoff.



**3. Site Plan Review**

The permittee shall design, implement, and maintain a site plan review process to evaluate and approve post-construction stormwater controls. See permit part 6.4(2)(c) for site plan review requirements.

**4. Post-Construction Stormwater Control Inventory**

The permittee shall implement and maintain an inventory system of all post-construction structural stormwater control measures installed and implemented at new development and redeveloped sites, including both public and private sector sites located within the permit area that discharge into the MS4. The inventory must be searchable by property location (either on paper or electronic) and other relevant criteria (e.g., type: retention, detention, green stormwater infrastructure, permeable pavement, dry well, size: feet, acre, volume; and, purpose: sediment removal, metals treatment, oil and grease).

**5. Operation and Maintenance of Post-Construction BMPs**

The permittee shall establish processes, procedures, and other such provisions necessary, such as routine inspections of post-construction BMPs to ensure the long-term operation and maintenance of post-construction stormwater BMPs.

**6.6 Pollution Prevention and Good Housekeeping for Municipal Operations (40 CFR 122.34(b)(6))**

The permittee shall develop, implement, and maintain an operations and maintenance program that includes a training component with the ultimate goal of preventing or reducing pollutant runoff and protecting water quality from municipal facilities and activities. The provisions in this part apply to facilities and activities that are not subject to separate AZPDES permitting.

1. At a minimum, the program shall include control measures for reducing or eliminating the discharge of pollutants from:
  - a. streets, roads, highways;
  - b. municipal parking lots;
  - c. maintenance and storage yards;
  - d. fleet or maintenance shops with outdoor storage areas;
  - e. salt/sand storage locations and snow disposal areas operated by the permittee;
  - f. waste transfer stations; and
  - g. disposal of waste removed from the separate storm sewers and areas listed above (such as dredge spoil, accumulated sediments, floatables, and other debris).



2. Operation and Maintenance of Pollution Prevention and Good Housekeeping BMPs

The permittee shall establish processes, procedures, and other such provisions necessary to ensure the long-term operation and maintenance of stormwater BMPs. At a minimum, the processes and procedures shall include:

- a. Development of an inventory of municipally-owned and operated facilities and activities that discharge;
- b. Prioritize municipal facilities based on their risk to discharge pollutants and develop and implement a site inspection schedule (example, more frequent inspections for higher risk facilities, less frequent inspections for lower risk facilities);
- c. Develop and implement an inspection schedule for municipally-owned or operated facilities and activities, based on priority, to ensure stormwater controls are effective and being properly maintained. Inspections shall be implemented with the following frequencies:
  - i. High risk facilities shall be inspected at least once every quarter;
  - ii. Medium risk facilities shall be inspected at least twice per year; and
  - iii. Low risk facilities shall be inspected at least once per year.
- d. Based on inspection findings, update municipally-owned or operated facilities priority status and modify inspection frequency, as appropriate;
- e. Develop and implement stormwater controls at municipally-owned or operated facilities and discharge activities to reduce or eliminate the discharge of pollutants;
- f. Develop and implement an annual employee training program to incorporate pollution prevention and good housekeeping techniques into everyday operations and maintenance activities; and
- g. Develop maintenance activities, maintenance schedules, and long-term inspections procedures for structural and non-structural stormwater controls to reduce floatables, trash, and other pollutants discharged from the MS4.

Existing permittees shall continue to implement established operation and maintenance programs while updating those programs, as necessary, to comply with the requirements of this permit.



## **7.0 MONITORING REQUIREMENTS**

All MS4s are required to perform Stormwater Characterization Monitoring as set forth in this section. Additionally, MS4s that have stormwater discharges to impaired or not-attaining waters, OAWs, or waters with TMDLs shall monitor for the impairments, as outlined in this section.

Additionally, ADEQ may notify the MS4 in writing of any additional monitoring requirements to ensure protection of receiving water quality or to ensure permit compliance. Additional monitoring will be required if there is evidence that a pollutant is being discharged by the permittee that may be causing or contributing to exceedances of a water quality standard. Any such notice will provide an explanation of the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

Analytical monitoring shall be conducted using approved test methods in accordance with A.A.C. R18-9-A905(B).

### **7.1 Monitoring and Assessment Program**

1. The monitoring provisions of this section apply to all permittees that must conduct analytical monitoring. The permittee shall implement, and revise as necessary, a comprehensive monitoring and assessment program that includes a Sampling and Analysis Plan (see 7.3).

A description of this program shall be included in the SWMP. The monitoring and assessment program shall be designed to meet the following objectives:

- a. Assess the impacts to impaired, not-attaining, or Outstanding Arizona Waters (OAWs) resulting from stormwater discharges from Small MS4 outfalls;
  - b. Characterize stormwater discharges;
  - c. Identify sources of elevated pollutant loads and specific pollutants; and
  - d. Assess the overall health and evaluate long-term trends in water quality of impaired, not attaining, or OAWs.
2. The permittee shall identify outfall locations in the SWMP that:
    - a. Discharge to impaired waters (Category 5);
    - b. Discharge to not-attaining waters (Category 4);
    - c. Discharges to OAWs listed in A.A.C. R18-11-112; and
    - d. Are subject to additional monitoring required by ADEQ.



## 7.2 Stormwater Characterization Monitoring Requirements

### 1. Stormwater Sampling

The permittee shall conduct stormwater characterization monitoring of discharges from the MS4 to protected surface waters at the outfalls identified by the permittee in Part 7.2(4). The permittee shall sample stormwater discharges from the MS4, as required in Appendix B, one (1) time within the first three and one-half (3.5) years of the effective date of the permit; new permittees shall sample stormwater discharges from the MS4 within the first three and one-half (3.5) years after obtaining permit coverage. This monitoring requirement shall provide discharge characterization data of stormwater discharges from the MS4.

### 2. Qualifying Storm Event

The permittee shall conduct the required stormwater characterization monitoring for qualifying storm events. A qualifying storm event is rainfall in the amount of 0.1 inches or more and a resulting discharge, within the first 24-hours of the event. The permittee shall design stormwater sampling procedures to include the "first flush" (first 30 minutes of storm event discharge) of a qualifying storm event, to the maximum extent practicable.

### 3. Storm Event Records

The sampled qualifying storm event is 0.1 inches or more of rainfall and resulting in a discharge at the outfall. The permittee shall include the sampled qualifying storm event data in the DMR, including the following information:

- a. Date of the qualifying storm event; and
- b. Amount of rainfall (in inches) in the drainage area for each stormwater monitoring location identified in 7.2(4).

### 4. Monitoring Locations

The permittee shall identify at least three (3) outfalls or locations within the MS4, representative of stormwater pollution from the MS4 for stormwater characterization monitoring. The identified outfalls for this one-time characterization monitoring must be reported in a discharge monitoring report (DMR), including the identification of the land use for the area served by the outfall from the following three uses: residential, commercial, industrial. The permittee's selected outfalls must be representative MS4 discharges and discharge to a protected surface water.

### 5. Adverse Climatic Conditions

Sampling of a qualifying storm event is not required during adverse climatic conditions. Adverse climatic conditions which prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, electrical storms, etc.). Information on the conditions that prevented sampling shall be reported to ADEQ with the DMRs. Where additional stormwater sampling is required, the



permittee shall continue to monitor subsequent storm events during the monitoring season and perform storm water sampling of a qualifying storm event if another occurs during the same wet season.

6. Stormwater Characterization DMR

All parameters listed in Appendix B shall be monitored. Any additional parameters may be monitored as determined by the permittee. All parameters monitored must be reported to ADEQ via the DMR provided in myDEQ.

ADEQ will provide an electronic DMR in myDEQ for each permittee to record their stormwater characterization monitoring.

- a. This DMR shall be submitted within 30 days after receiving laboratory results from characterization monitoring.
- b. For existing permittees, this DMR will be available from October 1, 2021 through March 30, 2024, allowing the entry of data and/or no discharge codes throughout the first three and one-half (3.5) years of permit coverage.
- c. For new permittees, a DMR will be made available for the first three and one-half (3.5) years after obtaining permit coverage.

The permittee shall retain records of all stormwater monitoring information with the SWMP.

**7.3 Sampling and Analysis Plan (SAP)**

The permittee shall develop a written SAP for analytical monitoring of stormwater discharges, including but not limited to:

1. The name(s) and title of the person(s) who will perform the monitoring;
2. Locations of monitoring sites;
3. A map showing the segments or portions of the protected surface water that are most likely to be impacted by the discharge of pollutant(s);
4. Water quality parameters and pollutants to be sampled;
5. The citation and description of the sampling protocols to be used; and
6. Identification of the analytical methods and related method detection limits (if applicable) for each parameter required. The permittee shall use analytical methods with a Limit of Quantitation (LOQ) that is lower than the effluent limitations, Assessments Levels, Action Levels, or other water quality criteria, if any, specified in this permit. If all methods have LOQs higher than the applicable water quality criteria, the permittee shall use the approved analytical method with the lowest LOQ.



#### **7.4 Discharges to Impaired or Not-Attaining Waters or Outstanding Arizona Waters**

1. Discharges to impaired or not-attaining waters:
  - a. If an outfall discharges to an impaired or not-attaining water, the permittee shall develop and implement a monitoring program for all pollutants for which the waterbody is listed.
  - b. If the waterbody is listed for suspended solids, turbidity or sediment/sedimentation and the discharge occurs for more than 72 hours after the storm event, the permittee shall monitor for suspended sediment concentration (SSC). If the pollutant causing the impairment is expressed in the form of an indicator or surrogate pollutant, the permittee shall monitor for that indicator or surrogate pollutant.
  - c. The permittee shall comply with all applicable waste load allocations established in approved TMDLs. In the event monitoring requirements (frequency, analytical parameters, etc.) are established in an approved TMDL, the permittee shall comply with the specifications in the approved TMDL.
2. Discharges to OAWs:
  - a. The permittee shall perform analytical monitoring for the following parameters, if the MS4 has discharges to an OAW:
    1. Biochemical oxygen demand (BOD)
    2. Total suspended solids (nonfilterable) (TSS)
    3. pH
    4. Fecal coliform
    5. Oil and grease
  - b. The permittee shall also sample for any pollutants for which the OAW is impaired or not-attaining.

Note - this condition does not apply for discharges to OAWs that are non-WOTUS protected surface waters.
3. Discharges to a Lake:

If the protected surface water is a lake that is impaired or not-attaining, a site-specific proposal for sampling the impact area shall be implemented and kept as part of the SWMP.

#### **7.5 Monitoring Frequency and Deadlines**

All MS4s that have discharges to impaired or not-attaining waters or OAWs shall perform analytical monitoring as per the frequencies and deadlines stated in this permit part.



1. The operator shall conduct analytical monitoring a minimum of one (1) time per wet season throughout the duration of permit coverage. Analytical monitoring is only required when stormwater or snowmelt discharges from an outfall in sufficient quantity to allow for sample collection and analysis.

For the purposes of analytical monitoring, wet seasons are defined as follows:

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

2. The operator shall conduct analytical monitoring at outfalls observed or suspected to discharge the greatest amount of pollutants using Table 7 below:

<b>Table 7 Minimum Number of Samples to Collect</b>	
Number of Outfalls	Number of Samples
1 to 4	All
5 to 20	5
over 20	10

3. Calibration and Maintenance of Equipment and Monitoring Methods:
  - a. All monitoring instruments and equipment (including operators' own field instruments for measuring pH and turbidity) shall be calibrated and maintained in accordance with manufacturers' recommendations. All laboratory analyses shall be conducted according to test procedures specified in 40 CFR Part 136. The permittee shall use analytical methods with a Limit of Quantitation (LOQ) that is lower than the effluent limitations, Assessments Levels, Action Levels, or other water quality criteria, if any, specified in this permit. If all methods have LOQs higher than the applicable water quality criteria, the Permittee shall use the approved analytical method with the lowest LOQ.
  - b. All samples collected for analytical monitoring shall be analyzed by a laboratory that is licensed by the Arizona Department of Health Services (ADHS) Office of Laboratory Licensure and Certification. This requirement does not apply to parameters that require analysis at the time of sample collection as long as the testing methods used are approved by ADHS or ADEQ. These parameters may include flow, dissolved oxygen, pH, temperature, and total residual chlorine.



- c. The permittee may conduct field analysis of turbidity if the permittee has sufficient capability (qualified and trained employees, properly calibrated and maintained field instruments, etc.) to properly perform the field analysis.
- d. The permittee may conduct field analysis of E. coli if the permittee has sufficient capability (qualified and trained employees, properly calibrated and maintained field instruments, etc.) to properly perform the field analysis using Colilert or an equivalent.

## **7.6 Analytical Monitoring DMR**

All permittees subject to analytical monitoring shall submit the results on the electronic Discharge Monitoring Report (DMR) in myDEQ. The permittee shall retain records of all stormwater monitoring information with the SWMP.

The DMR shall be submitted within 30 days after receiving laboratory results. In the event no samples are collected during a wet season, the DMR indicating "no data" using the appropriate No Discharge Information (NODI) code(s) shall be submitted no later than:

- June 30 (for winter sampling)
- November 30 (for summer sampling)



## **8.0 PROGRAM ASSESSMENT, RECORDKEEPING, AND REPORTING**

### **8.1 Program Evaluation**

1. The permittee shall annually self-evaluate its compliance with the terms and conditions of this permit. The permittee shall maintain the annual evaluation documentation as part of the SWMP.
2. The permittee shall evaluate the appropriateness of the selected BMPs in achieving the objectives of each control measure and the defined measurable goals. The permittee may change BMPs in accordance with the following provisions:
  - a. Adding (but not subtracting) components or controls may be made at any time;
  - b. Changes replacing an ineffective or infeasible BMP specifically identified in the SWMP with an alternative BMP may be made if the proposed changes meet the criteria of this Part, 8.1.
3. BMP modification documentation shall include the following information and all documentation shall be kept in the SWMP:
  - a. An analysis of why the BMP is ineffective or infeasible;
  - b. Expectations on the effectiveness of the replacement BMP; and
  - c. An analysis of why the replacement BMP is expected to achieve the defined goals of the BMP to be replaced.
4. ADEQ may require the permittee to add, modify, repair, replace or change BMPs or other measures described in SWMP to address the following:
  - a. Impacts to receiving water quality caused or contributed to by discharges from the MS4;
  - b. To satisfy conditions of this permit;
  - c. To include more stringent requirements necessary to comply with new state or federal legal requirements; or
  - d. Attainment of SWQS.
5. Any changes requested by ADEQ will be in writing and will require the permittee to develop a schedule to implement the changes and will offer the permittee the opportunity to propose alternative program changes to meet the objective of the requested modification.

### **8.2 Recordkeeping**

1. The permittee shall keep all records required by this permit for a period of three (3) years from the date the record is created. Records include



information used in the development of any written program required by this permit, any monitoring results, copies of reports, records of screening, follow-up and elimination of illicit discharges; maintenance records; inspection records; enforcement actions; and data used in the development of the NOI, SWMP, plans, and annual reports. This list provides examples of records that should be maintained, but is not all inclusive.

2. Records other than those required to be included in the discharge monitoring report (Part 8.3) and annual report (Part 8.4) shall be submitted upon request by ADEQ or U.S. EPA. Requirements for discharges to non-WOTUS protected surface waters are state-only and records need only be submitted to ADEQ.
3. The permittee shall make the records relating to this permit, including the written stormwater management program, available to the public. The public may view the records during normal business hours. The permittee may charge a reasonable fee for copying requests. The permittee is encouraged to satisfy this requirement by posting records online.

### **8.3 Annual Report**

The permittee shall submit an annual report each year of the permit term to ADEQ. The reporting period is from July 1 through June 30 each year. The annual report is due to ADEQ on or before September 30 each year for the reporting period. Please see Appendix A for the annual report requirements.



## 9.0 STANDARD PERMIT CONDITIONS

Standard permit conditions in Part 9 are consistent with the general permit provisions required under 40 CFR 122.41 and A.A.C. R-18-9-A905(A)(3).

**1. Duty to Comply:** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR122.41(a)(1) and A.R.S. §§ 49-261, 262, 263.01, and 263.02.]

- a. The operator shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act, A.R.S. Title 49, Chapter 2, Article 3.1, and A.A.C. Title 18, Chapter 9, Article 9, and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, or denial of a permit renewal application.
- b. The issuance of this permit does not waive any federal, state, county, or local regulations or permit requirements with which a person discharging under this permit is required to comply.
- c. The operator shall comply with any effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

**2. Duty to Reapply / Continuation of the Expired General Permit:** [A.A.C. R18-9-A905, which incorporates 40 CFR 122.41(b) and A.A.C. R18-9-C903]

- a. Upon reissuance of the general permit, the permittee shall file an NOI, within the timeframe specified in the new general permit, and shall obtain new written authorization to discharge from the Director.
- b. If the Director does not reissue the general permit before the expiration date, the current general permit will be administratively continued and remain in force and effect until the general permit is reissued.
- c. Any operator granted authorization to discharge under the general permit before the expiration date automatically remains covered by the continued general permit until the earlier of:
  - i. Reissuance or replacement of the general permit, at which time the operator shall comply with the NOI conditions of the new general permit to maintain authorization to discharge; or
  - ii. The date the operator has submitted a NOT; or
  - iii. The date the Director has issued an individual permit for the discharge; or
  - iv. The date the Director has issued a formal permit decision not to reissue the general permit, at which time the operator shall seek coverage under an alternative general permit or an individual permit, or cease discharge.



**3. Need to Halt or Reduce Activity Not a Defense:** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(c)]

It shall not be a defense for an operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**4. Duty to Mitigate:** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(d)]

The operator shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment per A.R.S. § 49-255.01(E)(1)(d).

**5. Proper Operation and Maintenance:** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(e)]

The operator shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the operator to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures.

**6. Permit Actions:** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(f)]

This permit may be modified, revoked and reissued, or terminated for cause. Filing a request by the operator for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**7. Property Rights:** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(g)]

This permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, nor any infringement of federal, state, Indian tribe, or local laws or regulations.

**8. Duty to Provide Information:** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(h)]

The operator shall furnish to ADEQ, within a reasonable time, any information, which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The operator shall also furnish to ADEQ upon request, copies of records required to be kept by this permit.

**9. Signatory Requirements:** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(k) and (l); A.A.C. R18-9-A905(A)(1)(c), which incorporates 40 CFR 122.22]



- a. All Notices of Intent (NOI) and Notices of Termination (NOT) shall be signed as follows:
- i. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - ii. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
  - iii. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal (or state) agency includes: (1) The chief executive officer (or director) of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- b. All NOTs, reports, plans, inspection reports, monitoring reports, and other information required by this permit shall be signed by a person described in Part 9.9(a), above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- i. The authorization is made in writing by a person described in Subsection 9(a) above;
  - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of manager, operator, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a named individual or any individual occupying a named position); and
  - iii. The signed and dated written authorization is included in the SWMP. A copy shall be submitted to ADEQ, upon request.



- c. Certification. Any person signing documents under the terms of this permit shall make the following certification:

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

**10. Inspection and Entry:** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(i)]

The operator shall allow the Director or an authorized representative upon the presentation of credentials and such other documents as may be required by law to:

- a. Enter upon the operator's premises where a regulated facility or activity is located or conducted or where records shall be kept under the conditions of this permit;
- b. Have access to and copy at reasonable times, any records that shall be kept under the conditions of this general permit;
- c. Inspect at reasonable times any facility or equipment (including monitoring and control equipment), practices or operations regulated or required under this permit;
- d. Sample or monitor at reasonable times any substances or parameters at any location, for the purposes of assuring permit compliance or as otherwise authorized by A.R.S. Title 49, Chapter 2, Article 3.1, and 18 A.A.C. 9, Articles 9.

**11. Monitoring and Records:** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(j)]

- a. Representative Samples/Measurements: Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the monitored activity.
- b. Retention of Records: The operator shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date permit coverage ends. Operators shall submit any such records to the Director upon request. The operator shall retain the SWMP developed in accordance with Part 4 of this permit, for at least three (3) years after the last modification or amendment is made to the plan. The Director may



extend this retention period upon request by notifying the operator in writing at any time prior to the end of the standard three year retention period.

- c. **Records Contents:** Records of monitoring information shall include:
- i. The date, exact location, and time of sampling or measurements;
  - ii. The initials or name(s) of the individual(s) who performed the sampling or measurements;
  - iii. The date(s) analyses were performed;
  - iv. The time(s) analyses were initiated;
  - v. The initials or name(s) of the individual(s) who performed the analyses;
  - vi. References and written procedures, when available, for the analytical techniques or methods used;
  - vii. The analytical techniques or methods used; and
  - viii. The results of such analyses.
- d. Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained in this permit is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which includes the possibility of fines and/or imprisonment.

**12. Reporting Requirements:** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(l)]

- a. **Planned changes:** The operator shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
- i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b) (incorporated by reference at A.A.C. R18-9-A905(A)(1)(e)); or
  - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1) (incorporated by reference at A.A.C. R18-9-A905(A)(3)(b)).
- b. **Monitoring reports:** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- i. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or forms (paper or electronic) provided or specified by ADEQ.
  - ii. If the operator monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.



- iii. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean and non-detected results shall be incorporated in calculations as the limit of quantitation for the analysis.

c. Anticipated noncompliance:

The operator shall give advance notice to the Director of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

d. Twenty-four hour reporting:

For emergency noncompliance which may endanger the environment or human health and reach a protected surface water, the permittee shall orally report the information to the ADEQ Spill Line at 602-771-2330, within 24 hours from the time the permittee becomes aware of the event.

For non-emergency noncompliance, the permittee shall provide a written notification to ADEQ at [stormwatercompliance@azdeq.gov](mailto:stormwatercompliance@azdeq.gov) within five (5) calendar days of the noncompliance event. The permittee shall include in the written notification a description of the noncompliance and its cause; the period of noncompliance, including dates and times, and, if the noncompliance has not been corrected, the anticipated timeline it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

- e. Other information: When the permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a NOI or in any other report to ADEQ, the permittee shall promptly submit the facts or information to [stormwatercompliance@azdeq.gov](mailto:stormwatercompliance@azdeq.gov).

**13. Reopener Clause:** [A.A.C. R18-9-A905(A)(3)(d), which incorporates 40 CFR 122.44(c)]

The Department may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines, which may be promulgated in the course of the current permit cycle.

**14. Other Environmental Laws:**

No condition of this general permit releases the operator from any responsibility or requirements under other environmental statutes or regulations. For example, this permit does not authorize the "taking" of endangered or threatened species as prohibited by Section 9 of the Endangered Species Act, 16 U.S.C. 1538. Information regarding the location of endangered and threatened species and guidance on what activities constitute a "taking" are available from the U.S. Fish and Wildlife Service. The operator shall also comply with applicable State and Federal laws, including Spill Prevention Control and Countermeasures (SPCC), where applicable.



**15. State or Tribal Law: [Pursuant to A.A.C. R18-9-A904(C)]**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State or Tribal law or regulation under authority preserved by Section 510 of the Clean Water Act.

**16. Severability:**

The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provision of this general permit to any circumstance, is held invalid, the application of the provision to other circumstances, and the remainder of this general permit shall not be affected.

**17. Requiring Coverage under an Individual Permit or an Alternative General Permit: [Pursuant to A.A.C. R18-9-C902 and R18-9-A909]**

- a. The Director may require a person authorized by this permit to apply for and/or obtain either an individual AZPDES permit or an alternative AZPDES general permit. Any interested person may petition the Department to take action under this section. The Department may require an operator authorized to discharge under this permit to apply for an individual permit in any of the following cases:
  - i. A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
  - ii. Effluent limitation guidelines are promulgated for point sources covered by the general permit;
  - iii. An Arizona Water Quality Management Plan containing requirements applicable to the point sources is approved;
  - iv. Circumstances change after the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;
  - v. If the Director determines that the discharge is a significant contributor of pollutants. When making this determination, the Director shall consider:
    1. The location of the discharge with respect to protected surface waters;
    2. The size of the discharge;
    3. The quantity and nature of the pollutants discharged to protected surface waters; and
    4. Any other relevant factors.



- b. If an individual permit is required, the Director shall notify the discharger in writing of the decision. The notice shall include:
  - i. A brief statement of the reasons for the decision;
  - ii. An application form;
  - iii. A statement setting a deadline to file the application;
  - iv. A statement that on the effective date of issuance or denial of the individual permit, coverage under the general permit will automatically terminate;
  - v. The applicant's right to appeal the individual permit requirement with the Water Quality Appeals Board under A.R.S. § 49-323, the number of days the applicant has to file a protest challenging the individual permit requirement, and the name and telephone number of the Department contact person who can answer questions regarding the appeals process; and
  - vi. The applicant's right to request an informal settlement conference under A.R.S. 41-1092.03(A) and 41-1092.06.
- c. The discharger shall apply for an individual permit within 90 days of receipt of the notice, unless the Director grants a later date. In no case shall the deadline be more than 180 days after the date of the notice.
- d. If the discharger fails to submit the individual permit application within the time period established in Part 9.17(c) the applicability of the general permit to the discharger is automatically terminated at the end of the day specified by the Director for application submittal.
- e. Coverage under the general permit shall continue until an individual permit is issued or denied unless the general permit coverage is terminated under Part 9.17(d).

**18. Request for an Individual Permit: [Pursuant to A.A.C. R18-9-C902]**

- a. An operator may request an exclusion from coverage of a general permit by applying for an individual permit.
  - i. The operator shall submit an individual permit application under R18-9-B901(B) and include the reasons supporting the request no later than 90 days after publication of the general permit.
  - ii. The Director shall grant the request if the reasons cited by the operator are adequate to support the request.
- b. If an individual permit is issued to a person otherwise subject to a general permit, the applicability of the general permit to the discharge is automatically terminated on the effective date of the individual permit.



**19. Change of Operator: [A.A.C. R18-9-C904]**

If a change of ownership or operator occurs for a facility operating under a general permit:

- a. Permitted owner or operator: The operator shall provide the Department with a NOT by certified mail within 30 days after the new owner or operator assumes responsibility for the facility.
  - i. The NOT shall include all requirements for termination specified in the general permit for which the NOT is submitted.
  - ii. An operator shall comply with the permit conditions specified in the general permit for which the NOT is submitted until the NOT is received by the Department.
- b. New owner or operator:
  - i. The new owner or operator shall complete and file a NOI with the Department within the time period specified in the general permit before taking over operational control of, or initiation of activities at, the facility.
  - ii. If the previous operator was required to implement a stormwater pollution prevention plan, the new owner shall develop a new stormwater pollution prevention plan, or may modify, certify, and implement the old stormwater pollution prevention plan if the old stormwater pollution prevention plan complies with the requirements of the current general permit.
  - iii. The operator shall provide the Department with a NOT if a permitted facility ceases operation, ceases to discharge, or changes operator status. In the case of a construction activity, the operator shall submit a NOT to the Department when:
    1. The facility ceases construction operations and the discharge is no longer associated with construction or construction-related activities,
    2. The construction is complete and final site stabilization is achieved, or
    3. The operator's status changes.

**20. Bypass: [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(m)]**

- a. Definitions:
  - i. Bypass means the intentional diversion of waste streams from any portion of a treatment facility;
  - ii. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.



- b. Bypass not exceeding limitations: The operator may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions Part 9.20(c) and 20(d).
  - c. Notice:
    - i. Anticipated bypass. If the operator knows in advance of the need for a bypass, if possible prior notice shall be submitted at least ten days before the date of the bypass.
    - ii. Unanticipated bypass. The operator shall submit notice of an unanticipated bypass as required in Part 9.12(d).
  - d. Prohibition of bypass:
    - i. Bypass is prohibited, and ADEQ may take enforcement action against the operator for bypass, unless:
      - 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      - 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
      - 3. The operator submitted notices as required under Part 9.20(c).
    - ii. ADEQ may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in this Part 9.20(d).
- 21.Upset:** [A.R.S. §§ 49-255(8) and 255.01(E), A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(n)]
- a. Definition: Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the operator. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
  - b. Effect of an upset: An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part 9.21(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.



- c. Conditions necessary for a demonstration of upset: An operator who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - i. An upset occurred and that the operator can identify the cause(s) of the upset;
  - ii. The permitted facility was at the time being properly operated;
  - iii. The operator submitted notice of the upset as required in Part 9.12(d)(iii); and
  - iv. The operator complied with any remedial measures required under Part 9.4.
- d. Burden of proof: in any enforcement proceeding, the operator, who is seeking to establish the occurrence of an upset, has the burden of proof.

## **22. Penalties for Violations of Permit Conditions**

Any permit noncompliance constitutes a violation and is grounds for an enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

- a. Civil Penalties: A.R.S. § 49-262 provides that any person who violates any provision of A.R.S. Title 49, Chapter 2, Article 2, 3 or 3.1 or a rule, permit, discharge limitation or order issued or adopted under A.R.S. Title 49, Chapter 2, Article 3.1 is subject to a civil penalty not to exceed \$25,000 per day per violation.
- b. Criminal Penalties: Any person who violates a condition of this general permit, or violates a provision under A.R.S. Title 49, Chapter 2, Article 3.1, or A.A.C. Title 18, Chapter 2, Article 9 is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which may include the possibility of fines and/or imprisonment.



## 10.0 DEFINITIONS

**Analytical monitoring** – monitoring conducted to provide quantitative results in accordance with A.A.C. R18-9-A905(B).

**Best management practices (BMPs)** – schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “surface waters.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. Also called Controls or Control Measures.

**Common plan of development** – a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one plan. A ‘plan’ is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

**Construction activity** – earth-disturbing activities such as, clearing, grading, excavating, stockpiling of fill material and other similar activities. This definition encompasses both large construction activities defined in 40 CFR 122.26 (b)(14)(x) and small construction activities in 40 CFR 122.26 (b)(15)(i) and includes construction support activities.

**Controls or Control Measures or Measures** - See Best Management Practices.

**CWA or The Act** - Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended Pub. L. 95 217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et seq.

**Department** – the Arizona Department of Environmental Quality.

**Director** – the Director of ADEQ

**Discharge** – means the “discharge of a pollutant.”

**Discharge of a pollutant** – means:

- a. Any addition of any “pollutant” or combination of pollutants to protected surface waters from any “point source,” or
- b. Any addition of any pollutant or combination of pollutants to the protected surface waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft, which is being used as a means of transportation.

This definition includes additions of pollutants into protected surface waters from:

- a. Surface runoff which is collected or channeled by man;



- b. Discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and
- c. Discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

This term does not include an addition of pollutants by any "indirect discharger."

**Discharge point** – the location where stormwater flows exit the MS4 or other regulated activities, such as construction sites and industrial sites.

**Effluent limitations** – any limitation or condition on quantities, discharge rates, or concentration of pollutants, which are discharged from a point source.

**Effluent Limitations Guideline (ELG)** – defined in 40 CFR § 122.2 as a regulation published by the Administrator under section 304(b) of CWA to adopt or revise effluent limitations.

**Existing permittees** - Small MS4 operators who had coverage under ADEQ's 2016 Small MS4 General Permit.

**Facility** - any "point source" or any other facility (including land or appurtenances thereto) that is subject to regulation under the AZPDES/NPDES program.

**Field Screening Point** - location(s) where municipal stormwater leaves a Small MS4 operator's permitted area and goes to a protected surface water by way of a discrete and channelized conveyance (such as another municipal storm sewer system).

**Illicit connection** - any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

**Illicit discharge** - any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to an AZPDES/NPDES permit (other than the AZPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.

**Impaired water** – waters that have been assessed by ADEQ, under the Clean Water Act, as not attaining a water quality standard for at least one (1) designated use, and are listed in Arizona's current 303(d) List or on the 305(b) Category 4 list.

**Maximum Extent Practicable (MEP)** – the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges. A discussion of MEP as it applies to small MS4s is found at 40 CFR 122.34. CWA section 402(p)(3)(B)(iii) requires that a municipal permit "shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system design, and engineering methods, and other provisions such as the Administrator or the State determines appropriate for the control of such pollutants.

**Measurable goal** - a quantitative measure of progress in implementing a component of a storm water management program.



**Minimize** – to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practices.

**Municipal separate storm sewer** – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- a. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges to protected surface waters;
- b. Designed or used for collecting or conveying stormwater;
- c. Which is not a combined sewer; and
- d. Which is not part of a Publicly Owned Treatment Works.

**Municipal separate storm sewer system (MS4)** – all separate storm sewers defined as “large,” “medium,” or “small” municipal separate storm sewer systems or any municipal separate storm sewers on a system-wide or jurisdiction-wide basis as determined by the Director under A.A.C. R18-9-C902(A)(1)(g)(i) through (iv). [A.A.C. R18-9-A901(23)]. This also includes similar systems owned or operated by separate storm sewer municipal jurisdictions not required to obtain stormwater discharge authorization.

**New permittees** - Small MS4 operators who did not have permit coverage under ADEQ’s 2016 Small MS4 General Permit.

**Not-Attaining Water** - a protected surface water is assessed as impaired, but is not placed on the 303(d) List or equivalent for non-WOTUS protected state waters because:

- a. A TMDL is prepared and implemented for the surface water;
- b. 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
- c. The impairment of the surface water is due to pollution but not a pollutant, for which a TMDL load allocation cannot be developed.

**Non-traditional MS4** - systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings. 40 CFR 122.26(a)(16)(iii).

**Notice of Intent (NOI)** – the application to operate under this general permit.



**Notice of Termination (NOT)** – the application to terminate coverage under this general permit.

**Outfall** – a *point source* as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to protected surface waters. An outfall does not include open conveyances connecting two (2) municipal separate storm sewers, or pipes, tunnels or other conveyances, which connect segments of the same stream or other protected surface waters and are used to convey protected surface waters.

**Outstanding Arizona Water (OAW)** – a protected surface water that has been designated by ADEQ as an outstanding state resource under A.A.C. R18-11-112.

**Owner or operator** - the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

**Permittee** – refers to any person (defined below) authorized by this NPDES permit to discharge to protected surface waters.

**Person** – an individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, including a government corporation, partnership, association or state, a political subdivision of this state, a commission, the U.S. government or any federal facility, interstate body, or other entity.

**Point source** – any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

**Pollutant** – sediment, fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt (e.g., overburden material), and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous or hazardous substances. [A.R.S. § 49-201(29)]

**Protected Surface Water** - waters of the State listed on the protected surface water list under Section 49-221, Subsection G and all WOTUS.

**Receiving water** - as used in this permit means a Protected Surface Water that receives discharges from the MS4.

**Stormwater** – stormwater runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13) as incorporated by AAC R18-9-A905.

**Stormwater discharge associated with construction activity** – a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or



maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

**Stormwater discharge associated with industrial activity** - a discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant (See 40 CFR §122.26(b)(14) for specifics of this definition).

**Stormwater Management Program (SWMP)** - a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system. For the purposes of this permit, the Stormwater Management Program is considered a single document, but may actually consist of separate programs (e.g. "chapters") for each permittee.

**Stormwater Pollution Prevention Plan (SWPPP)** – a site-specific, written document that, among other things: identifies potential sources of stormwater pollution at the location of the disturbance; describes control measures to reduce or eliminate pollutants in stormwater discharges from the facility/activity; and identifies procedures the operator will implement to comply with the terms and conditions of the general permit (typically CGP or MSGP).

**Surface Water Quality Standards** - means a standard adopted for a protected surface water pursuant to Section 49-221 and, in the case of WOTUS, pursuant to Section 49-222.

**Total Maximum Daily Load (TMDL)** – an estimation of the total amount of a pollutant from all sources that may be added to a water while still allowing the water to achieve and maintain applicable SWQS. Each total maximum daily load shall include allocations for sources that contribute the pollutant to the water. Total Maximum Daily Loads for Waters of the U.S. shall meet the requirements of section 303(d) of the Clean Water Act (33 USC 1313(d) and regulations implementing that statute to achieve applicable surface water quality standards."

**Turbidity** – a condition of water quality characterized by the presence of suspended solids and/or organic material; expressed as Nephelometric turbidity units (NTU).

**Waste load allocation (WLA)** – The maximum load of pollutants each discharger of waste is allowed to release into a particular waterway. Discharge limits are usually required for each specific water quality criterion being, or expected to be, violated. WLAs constitute a type of water quality-based effluent limitation. (See 40 C.F.R. § 130.2(h))

**Waters of the U.S.** means waters of the State that are also navigable waters as defined by Section 502(7) of the Clean Water Act.

**Wetland** – an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil



conditions. A wetland includes a swamp, marsh, bog, Cienega, tinaja, and similar areas. [A.A.C. R18-11-101(49)]



## **Appendix A: Annual Report Requirements**

### ***4.0 Stormwater Management Program:***

1. Did the permittee assess and evaluate the SWMP as part of preparing the annual report, per Permit Section 4.0?

### ***6.0 Minimum Control Measures:***

2. Did the permittee have another entity implement control measures on behalf of the MS4 per Permit Section 6.0(2)? If yes, identify the entity and give a brief explanation of their involvement.

### ***6.1 MCM1 Public Education and Outreach:***

3. Did the permittee provide outreach and education to the public on the stormwater program issues and requirements, per Permit Section 6.1(1)?
  - a. Identify the target group and topic used for outreach and education.
  - b. Identify the message used for each target group and topic.
  - c. Identify how the message was conveyed to each target group.
  - d. Identify measures/methods used to assess the effectiveness of the message used for each target group.
4. Did the permittee provide outreach and education to the public on the stormwater program issues and requirements, per Permit Section 6.1(2)?
  - a. Identify the target group and topic used for outreach and education.
  - b. Identify the message used for each target group and topic.
  - c. Identify how the message was conveyed to each target group.
  - d. Identify measures/methods used to assess the effectiveness of the message used for each target group.

### ***6.2 MCM2: Public Participation and Involvement:***

5. Did the permittee post the SWMP and Annual Report on their website, per Permit Section 6.2(1)?



6. Did the permittee provide and publicize a reporting system to facilitate and track public reporting of spills, discharges and/or dumping to the MS4 on a continuous basis, per Permit Section 6.2(4)?

**6.3 MCM3: IDDE:**

7. Provide a narrative description of the status of the storm sewer mapping, per Permit Section 6.3(1). What is the date of the most recent storm sewer system map showing the location of all outfalls?
8. Did the permittee establish an ordinance or other regulatory mechanism for enforcement procedures of the IDDE Program per Permit Section 6.3(2)? What is the citation of the ordinance or other regulatory mechanism to prohibit non-stormwater discharges into the permittee's MS4?
9. Did the permittee establish or update the "Statement of IDDE Program Responsibilities," per Permit Section 6.3(3)?
10. The permittee shall submit one (1) copy of their 6.3(4) summary of IDDE activities in a tabular format.
11. Did the permittee visually monitor at least 20% of all outfalls this permit year, per Permit Section 6.3(7)?
12. Did the permittee identify indicators of IDDE Program progress or success per Permit Section 6.3(8)?
13. Did the permittee provide annual staff training, per Permit Section 6.3(9)?
  - a. Approximately how many staff attended?
  - b. What was the topic?

**6.4 MCM4: Construction Activity Stormwater Runoff Control:**

14. Did the permittee establish an ordinance or other regulatory mechanism for enforcement procedures of the Construction Activity Stormwater Runoff Control Program per Permit Section 6.4(2)(a)? What is the citation of the ordinance or other regulatory mechanism to require erosion and sediment controls, including sanctions to ensure compliance?
15. Did the permittee implement a construction site inventory, per Permit Section 6.4(2)(b)?
16. Did the permittee develop written procedures for site plan review, per Permit Section 6.4(2)(c)?
17. Did the permittee implement written procedures for site inspections and enforcement control measures, per Permit Section 6.4(2)(f)?



- a. How many construction site inspections were done in the permit year?
  - b. How many follow-up actions were necessary (re-inspection, enforcement actions)?
18. Did the permittee develop and implement an educational program focused on erosion and sediment control for Construction Operators, per Permit Section 6.4(2)(h)?
19. Did the permittee develop and implement a program requiring construction operators to control wastes from their sites, per Permit Section 6.4(2)(i)?
20. Did the permittee implement procedures to receive and act on information submitted by the public (complaints), per Permit Section 6.4(4)?

*6.5 MCM5: Post Construction:*

21. Did the permittee implement a program that includes a combination of structural and non-structural BMPs, per Permit Section 6.5(1)?
22. Did the permittee establish an ordinance or other regulatory mechanism for enforcement procedures of the Post-Construction Stormwater Management per Permit Section 6.5(2)? What is the citation for the ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects?
23. Did the permittee implement a program to prevent or minimize impacts to water quality from stormwater runoff of new development and redevelopment sites, per Permit Section 6.5(2)?
24. Did the permittee implement procedures for site plan review, per Permit Section 6.5(3)?
25. Did the permittee implement an inventory of post construction site structural stormwater control measures installed within the MS4, per Permit Section 6.5(4)?
26. Did the permittee implement a program to ensure the long-term operation and maintenance of post construction BMPs, per Permit Section 6.5(5)?

*6.6 MCM6: Pollution Prevention and Good Housekeeping:*

27. Did the permittee implement a program to reduce or eliminate discharges of pollutants from municipal streets, facilities, yards, etc., per Permit Section 6.6(1)?
28. Did the permittee implement a program to ensure the long-term operation and maintenance of stormwater BMPs, per Permit Section 6.6(2)?



29. Did the permittee develop an inventory of facilities, prioritized based on their risk of discharging non-stormwater, per Permit Section 6.6(2)(a)?
30. Did the permittee implement an inspection schedule for prioritized facilities, per Permit Section 6.6(2)(c)?
31. Did the permittee implement an annual training program for staff that incorporates pollution prevention and good housekeeping techniques, per Permit Section 6.6(2)(f)?
- a. Approximately how many staff attended?
  - b. What was the topic?
32. Did the permittee develop maintenance activities, schedules and long-term inspections to reduce floatables, trash and other pollutants from the MS4, per Permit Section 6.6(2)(g)?
33. Does the permittee discharge to a non-attaining or impaired water, or an Outstanding Arizona Water (OAW)?



## Appendix B: Stormwater Characterization Monitoring Requirements

All permittees shall conduct stormwater characterization monitoring for the parameters listed in Table 7.0 below, as required by Parts 7.1, 7.2, and 7.3 of this permit.

**Table B: Analytical Wet Weather Characterization Monitoring**

Parameter	Units	Monitoring Frequency	Monitoring Type
<b>Metals</b>			
Antimony	µg/L	1x during first 42 months of permit term	Discrete
Barium	µg/L	1x during first 42 months of permit term	Discrete
Beryllium	µg/L	1x during first 42 months of permit term	Discrete
Cadmium	µg/L	1x during first 42 months of permit term	Discrete
Nickel	µg/L	1x during first 42 months of permit term	Discrete
Mercury	µg/L	1x during first 42 months of permit term	Discrete
Silver	µg/L	1x during first 42 months of permit term	Discrete
Thallium	µg/L	1x during first 42 months of permit term	Discrete
<b>Inorganics</b>			
Cyanide	µg/L	1x during first 42 months of permit term	Discrete
<b>Volatile Organic Compounds (VOCs)</b>			
Acrolein	µg/L	1x during first 42 months of permit term	Discrete
Acrylonitrile	µg/L	1x during first 42 months of permit term	Discrete
Benzene	µg/L	1x during first 42 months of permit term	Discrete
Carbon tetrachloride	µg/L	1x during first 42 months of permit term	Discrete
Chlorobenzene	µg/L	1x during first 42 months of permit term	Discrete



Parameter	Units	Monitoring Frequency	Monitoring Type
Dibromochloromethane	µg/L	1x during first 42 months of permit term	Discrete
Chloroethane	µg/L	1x during first 42 months of permit term	Discrete
2-chloroethylvinyl ether	µg/L	1x during first 42 months of permit term	Discrete
Chloroform	µg/L	1x during first 42 months of permit term	Discrete
Bromodichloromethane	µg/L	1x during first 42 months of permit term	Discrete
1,2-dichlorobenzene	µg/L	1x during first 42 months of permit term	Discrete
1,3-dichlorobenzene	µg/L	1x during first 42 months of permit term	Discrete
1,4-dichlorobenzene	µg/L	1x during first 42 months of permit term	Discrete
1,1-dichloroethane	µg/L	1x during first 42 months of permit term	Discrete
1,2-dichloroethane	µg/L	1x during first 42 months of permit term	Discrete
1,3-dichloropropylene	µg/L	1x during first 42 months of permit term	Discrete
Ethylbenzene	µg/L	1x during first 42 months of permit term	Discrete
Bromomethane	µg/L	1x during first 42 months of permit term	Discrete
Chloromethane	µg/L	1x during first 42 months of permit term	Discrete
Methylene chloride	µg/L	1x during first 42 months of permit term	Discrete
1,1,2,2-tetrachloroethane	µg/L	1x during first 42 months of permit term	Discrete
Tetrachloroethylene	µg/L	1x during first 42 months of permit term	Discrete
Toluene	µg/L	1x during first 42 months of permit term	Discrete
1,2-trans-dichloroethylene	µg/L	1x during first 42 months of permit term	Discrete
1,1,1-trichloroethane	µg/L	1x during first 42 months of permit term	Discrete



Parameter	Units	Monitoring Frequency	Monitoring Type
1,1,2-trichloroethane	µg/L	1x during first 42 months of permit term	Discrete
Trichloroethylene	µg/L	1x during first 42 months of permit term	Discrete
Vinyl chloride	µg/L	1x during first 42 months of permit term	Discrete
Xylene	µg/L	1x during first 42 months of permit term	Discrete
Semi-VOCs - Acid Extractable			
2-chlorophenol	µg/L	1x during first 42 months of permit term	Discrete
2,4-dichlorophenol	µg/L	1x during first 42 months of permit term	Discrete
2,4-dimethylphenol	µg/L	1x during first 42 months of permit term	Discrete
4,6-dinitro-o-cresol	µg/L	1x during first 42 months of permit term	Discrete
2,4-dinitrophenol	µg/L	1x during first 42 months of permit term	Discrete
2-nitrophenol	µg/L	1x during first 42 months of permit term	Discrete
4-nitrophenol	µg/L	1x during first 42 months of permit term	Discrete
p-chloro-m-cresol	µg/L	1x during first 42 months of permit term	Discrete
Pentachlorophenol	µg/L	1x during first 42 months of permit term	Discrete
Phenol	µg/L	1x during first 42 months of permit term	Discrete
2,4,6-trichlorophenol	µg/L	1x during first 42 months of permit term	Discrete
Semi-VOCs – Base/Neutrals			
Acenaphthene	µg/L	1x during first 42 months of permit term	Discrete
Acenaphthylene	µg/L	1x during first 42 months of permit term	Discrete
Anthracene	µg/L	1x during first 42 months of permit term	Discrete
Benz(a)anthracene	µg/L	1x during first 42 months of permit term	Discrete



Parameter	Units	Monitoring Frequency	Monitoring Type
Benzo(a)pyrene	µg/L	1x during first 42 months of permit term	Discrete
Benzo(b)fluoranthene	µg/L	1x during first 42 months of permit term	Discrete
Benzo(g,h,i)perylene	µg/L	1x during first 42 months of permit term	Discrete
Benzo(k)fluoranthene	µg/L	1x during first 42 months of permit term	Discrete
Chrysene	µg/L	1x during first 42 months of permit term	Discrete
Dibenzo(a,h)anthracene	µg/L	1x during first 42 months of permit term	Discrete
3,3'-dichlorobenzidine	µg/L	1x during first 42 months of permit term	Discrete
Diethyl phthalate	µg/L	1x during first 42 months of permit term	Discrete
Dimethyl phthalate	µg/L	1x during first 42 months of permit term	Discrete
Di-n-butyl phthalate	µg/L	1x during first 42 months of permit term	Discrete
2,4-dinitrotoluene	µg/L	1x during first 42 months of permit term	Discrete
2,6-dinitrotoluene	µg/L	1x during first 42 months of permit term	Discrete
Di-n-octyl phthalate	µg/L	1x during first 42 months of permit term	Discrete
1,2-diphenylhydrazine (as azobenzene)	µg/L	1x during first 42 months of permit term	Discrete
Fluoranthene	µg/L	1x during first 42 months of permit term	Discrete
Fluorene	µg/L	1x during first 42 months of permit term	Discrete
Hexachlorobenzene	µg/L	1x during first 42 months of permit term	Discrete
Hexachlorobutadiene	µg/L	1x during first 42 months of permit term	Discrete
Hexachlorocyclopentadiene	µg/L	1x during first 42 months of permit term	Discrete
Hexachloroethane	µg/L	1x during first 42 months of permit term	Discrete



Parameter	Units	Monitoring Frequency	Monitoring Type
Indeno(1,2,3-cd)pyrene	µg/L	1x during first 42 months of permit term	Discrete
Isophorone	µg/L	1x during first 42 months of permit term	Discrete
Naphthalene	µg/L	1x during first 42 months of permit term	Discrete
Nitrobenzene	µg/L	1x during first 42 months of permit term	Discrete
N-nitrosodimethylamine	µg/L	1x during first 42 months of permit term	Discrete
N-nitrosodi-n-propylamine	µg/L	1x during first 42 months of permit term	Discrete
N-nitrosodiphenylamine	µg/L	1x during first 42 months of permit term	Discrete
Phenanthrene	µg/L	1x during first 42 months of permit term	Discrete
Pyrene	µg/L	1x during first 42 months of permit term	Discrete
1,2,4-trichlorobenzene	µg/L	1x during first 42 months of permit term	Discrete
PCB / Pesticides			
Aldrin	µg/L	1x during first 42 months of permit term	Discrete
Alpha-BHC	µg/L	1x during first 42 months of permit term	Discrete
Beta-BHC	µg/L	1x during first 42 months of permit term	Discrete
Gamma-BHC	µg/L	1x during first 42 months of permit term	Discrete
Delta-BHC	µg/L	1x during first 42 months of permit term	Discrete
Chlordane	µg/L	1x during first 42 months of permit term	Discrete
4,4'-DDT	µg/L	1x during first 42 months of permit term	Discrete
4,4'-DDE	µg/L	1x during first 42 months of permit term	Discrete
4,4'-DDD	µg/L	1x during first 42 months of permit term	Discrete



Parameter	Units	Monitoring Frequency	Monitoring Type
Dieldrin	µg/L	1x during first 42 months of permit term	Discrete
Alpha-endosulfan	µg/L	1x during first 42 months of permit term	Discrete
Beta-endosulfan	µg/L	1x during first 42 months of permit term	Discrete
Endosulfan sulfate	µg/L	1x during first 42 months of permit term	Discrete
Endrin	µg/L	1x during first 42 months of permit term	Discrete
Endrin aldehyde	µg/L	1x during first 42 months of permit term	Discrete
Heptachlor	µg/L	1x during first 42 months of permit term	Discrete
Heptachlor epoxide	µg/L	1x during first 42 months of permit term	Discrete
PCB-1242	µg/L	1x during first 42 months of permit term	Discrete
PCB-1254	µg/L	1x during first 42 months of permit term	Discrete
PCB-1221	µg/L	1x during first 42 months of permit term	Discrete
PCB-1232	µg/L	1x during first 42 months of permit term	Discrete
PCB-1248	µg/L	1x during first 42 months of permit term	Discrete
PCB-1260	µg/L	1x during first 42 months of permit term	Discrete
PCB-1016	µg/L	1x during first 42 months of permit term	Discrete
Toxaphene	µg/L	1x during first 42 months of permit term	Discrete

**Notes:**

1. The permittee shall include any additional parameters in stormwater sampling as specified by Part 5.0 Water Quality Standards of this permit.
2. The permittee shall collect discrete samples and shall attempt to include the “first flush” (first 30 minutes of stormwater discharge) of a qualifying storm event whenever possible to do so. Auto Sampling equipment may be used, if available.
3. When analyzing for metals, the permittee shall assume a 1:1 total dissolved ratio



for purposes of reporting and comparison with SWQS. Alternatively, the permittee may test for dissolved metals, if appropriate field filtering is completed. Hardness data must also be collected and used to calculate the corresponding SWQS for certain metals as indicated by SWQS rules.



### Appendix C: Total Maximum Daily Load (TMDL) Requirements

The following requirements are included in this permit based on applicable TMDL requirements in accordance with Part 1.3(5). See permit Parts 7.4 – 7.8 for specific analytical monitoring requirements.

#### Gila River

Name of TMDL	<b>Gila River – Centennial Wash to Gillespie Dam</b>
Document(s) for TMDL	<b>middlegila_centennial_tmdl_final.pdf</b> may be downloaded at <a href="https://www.azdeq.gov">https://www.azdeq.gov</a> , search words "Middle Gila Watershed"
Location of Original 303(d) Listings	15070101-008
Area Where TMDL Requirements Apply	TMDL coverage includes areas served by an MS4 draining to the Gila River
Parameter(s)	Total Boron and Total Selenium
EPA Approval Date	November 2015
MS4 Permittee(s)	Town of Buckeye, Maricopa County

#### Town of Buckeye and Maricopa County:

The Town of Buckeye and Maricopa County shall analytically monitor stormwater discharges from MS4 outfalls to the Gila River, from Centennial Wash to Gillespie Dam. Analytical monitoring shall be submitted per permit part 7.0. Concentration-based waste load allocations (WLAs) for this TMDL are 1,000 g/L Total Boron and 2.0 g/L Total Selenium.

If the WLA are exceeded the permittee shall propose to ADEQ an action plan, including a schedule for implementation, and submit it to ADEQ at [AZPDES@azdeq.gov](mailto:AZPDES@azdeq.gov) within 60 calendar days of becoming aware of the WLA exceedance. ADEQ shall provide a review and approval within 30 calendar days. The permittee shall then incorporate the action plan into their SWMP. Repeat exceedances for the same parameter of the WLA does not require submittal of another action plan.



**Granite Creek:**

Name of TMDL	<b>Upper Granite Creek Watershed</b>
Document(s) for TMDL	<b>tmdl_granitecreek_final.pdf</b> may be downloaded at <a href="https://www.azdeq.gov">https://www.azdeq.gov</a> , search words "Verde Watershed"
Location of Original 303(d) Listings	AZ15060202-059A
Area Where TMDL Requirements Apply	TMDL coverage includes areas served by an MS4 draining to Granite Creek
Parameter(s)	E. coli
EPA Approval Date	November 2015
MS4 Permittee(s)	City of Prescott, Yavapai County

**City of Prescott and Yavapai County**

The City of Prescott and Yavapai County shall analytically monitor stormwater discharges from MS4 outfalls to Granite Creek. Analytical monitoring shall be submitted as per permit part 7.0. Concentration-based WLAs for this TMDL are 235 cfu/100 ml (single sample maximum).

If the WLA are exceeded the permittee shall propose to ADEQ an action plan, including a schedule for implementation, and submit it to ADEQ at [AZPDES@azdeq.gov](mailto:AZPDES@azdeq.gov) within 60 calendar days of becoming aware of the WLA exceedance. ADEQ shall provide a review and approval within 30 calendar days. The permittee shall then incorporate the action plan into their SWMP. Repeat exceedances for the same parameter of the WLA does not require submittal of another action plan.



## Oak Creek

Name of TMDL	<b>Oak Creek and Spring Creek</b>	
Document(s) for TMDL	<b>Verderiver_oakcreek_2010tmdl.pdf</b> may be downloaded at <a href="https://www.azdeq.gov">https://www.azdeq.gov</a> , search words "Verde Watershed"	
Location of Original 303(d) Listings	Oak Creek-Headwaters to West Fork Oak Creek	15060202-019
	Oak Creek-West Fork to Slide Rock State Park	15060202-18A
	Oak Creek-At Slide Rock State Park	15060202-18B
	Oak Creek-Below Slide Rock S.P. to Dry Creek	15060202-18C
	Oak Creek-Dry Creek to Spring Creek	15060202-017
	Spring Creek-Coffee Creek to Oak Creek	15060202-022
Area Where TMDL Requirements Apply	TMDL coverage includes areas served by an MS4 draining to any of the reaches of Oak Creek or Spring Creek listed above.	
Parameter(s)	E. coli	
EPA Approval Date	August 2010	
MS4 Permittee(s)	City of Sedona, Coconino County, Yavapai County	

### City of Sedona

The City of Sedona shall analytically monitor stormwater discharges from MS4 outfalls to Oak Creek. Analytical monitoring shall be submitted as per permit part 7.0. The City shall implement the WLAs listed in the Oak Creek and Spring Creek E. coli TMDL, 6.1.3.

If the WLA is exceeded the permittee shall propose to ADEQ an action plan, including a schedule for implementation, and submit it to ADEQ at [AZPDES@azdeq.gov](mailto:AZPDES@azdeq.gov) within 60 calendar days of becoming aware of the WLA exceedance. ADEQ shall provide a review and approval within 30 calendar days. The permittee shall then incorporate the action plan into their SWMP. Repeat exceedances for the same parameter of the WLA does not require submittal of another action plan.

### Coconino County and Yavapai County

Coconino County and Yavapai County shall analytically monitor stormwater discharges from MS4 outfalls to Oak Creek. Analytical monitoring shall be submitted as per permit



part 7.0. Concentration-based WLAs for this TMDL are 235 cfu/100 ml (single sample maximum).

If the WLA is exceeded the permittee shall propose to ADEQ an action plan, including a schedule for implementation, and submit it to ADEQ at [AZPDES@azdeq.gov](mailto:AZPDES@azdeq.gov) within 60 calendar days of becoming aware of the WLA exceedance. ADEQ shall provide a review and approval within 30 calendar days. The permittee shall then incorporate the action plan into their SWMP. Repeat exceedances for the same parameter of the WLA does not require submittal of another action plan.



## San Pedro

Name of TMDL	San Pedro River (Aravaipa Creek to Gila River)	
Document(s) for TMDL	sanpedro_ecoli_tmdl.pdf may be downloaded at <a href="https://www.azdeq.gov">https://www.azdeq.gov</a> , search words "San Pedro Watershed"	
Location of Original 303(d) Listings	San Pedro River, Aravaipa Creek to Gila River	15050203-001
Area Where TMDL Requirements Apply	TMDL coverage includes areas served by an MS4 draining to any of the reaches of the San Pedro River	
Parameter(s)	E. coli	
EPA Approval Date	August 2013	
MS4 Permittee(s)	City of Sierra Vista, Cochise County	

## City of Sierra Vista and Cochise County

The City of Nogales and Cochise County shall analytically monitor stormwater discharges from MS4 outfalls to the San Pedro River. Analytical monitoring shall be submitted as per permit part 7.0. Concentration-based WLAs for this TMDL are 235 cfu/100 ml (single sample maximum).

If the WLA is exceeded the permittee shall propose to ADEQ an action plan, including a schedule for implementation, and submit it to ADEQ at [AZPDES@azdeq.gov](mailto:AZPDES@azdeq.gov) within 60 calendar days of becoming aware of the WLA exceedance. ADEQ shall provide a review and approval within 30 calendar days. The permittee shall then incorporate the action plan into their SWMP. Repeat exceedances for the same parameter of the WLA does not require submittal of another action plan.



## Santa Cruz

Name of TMDL	Upper Santa Cruz River Subwatershed Clean Water Plan for E. coli	
Document(s) for TMDL	Uscr_cwp_final_021020.pdf may be downloaded at <a href="https://www.azdeq.gov">https://www.azdeq.gov</a> , search words "Santa Cruz Watershed"	
Location of Original 303(d) Listings	Santa Cruz River, Nogales IOW Outfall to Josephine Canyon	15050301-009
	Santa Cruz River, Josephine Canyon to the Tubac Bridge	15050301-008A
	Santa Cruz River, Tubac Bridge to Sopori Wash	15050301-008B
	Nogales Wash, US/Mexico Border to Potrero Creek	15050301-011
	Potrero Creek, Below I-19 to the Santa Cruz River	15050301-500B
Area Where TMDL Requirements Apply	TMDL coverage includes areas served by an MS4 draining to any of the reaches of Santa Cruz River, Nogales Wash and Potrero Creek as listed above.	
Parameter(s)	E. coli	
EPA Approval Date	February 2020	
MS4 Permittee(s)	City of Nogales	

## City of Nogales

The City of Nogales shall analytically monitor stormwater discharges from MS4 outfalls to Nogales Wash and Potrero Creek. Analytical monitoring shall be submitted as per permit part 7.0. Concentration-based WLAs for this TMDL are 235 cfu/100 ml (single sample maximum).

If the WLA is exceeded the permittee shall propose to ADEQ an action plan, including a schedule for implementation, and submit it to ADEQ at [AZPDES@azdeq.gov](mailto:AZPDES@azdeq.gov) within 60 calendar days of becoming aware of the WLA exceedance. ADEQ shall provide a review and approval within 30 calendar days. The permittee shall then incorporate the action plan into their SWMP. Repeat exceedances for the same parameter of the WLA does not require submittal of another action plan.



## Watson Lake

Name of TMDL	<b>Watson Lake TMDL</b>
Document(s) for TMDL	<b>tmdl_watsonlake_final.pdf</b> may be downloaded at <a href="https://www.azdeq.gov">https://www.azdeq.gov</a> , search words "Verde Watershed"
Location of Original 303(d) Listings	AZL15060202-1590
Area Where TMDL Requirements Apply	TMDL coverage includes areas served by an MS4 draining to Watson Lake
Parameter(s)	Nutrients (Nitrogen, Phosphorus)
EPA Approval Date	February 2015
MS4 Permittee(s)	City of Prescott, Yavapai County

## City of Prescott and Yavapai County

The City of Prescott and Yavapai County shall analytically monitor stormwater discharges from MS4 outfalls to Watson Lake. Analytical monitoring shall be submitted as per permit part 7.0. Concentration-based WLAs for this TMDL are equal to 1.0 mg/L total nitrogen and 0.10 mg/L TP.

If the WLA are exceeded the permittee shall propose to ADEQ an action plan, including a schedule for implementation, and submit it to ADEQ at [AZPDES@azdeq.gov](mailto:AZPDES@azdeq.gov) within 60 calendar days of becoming aware of the WLA exceedance. ADEQ shall provide a review and approval within 30 calendar days. The permittee shall then incorporate the action plan into their SWMP. Repeat exceedances for the same parameter of the WLA does not require submittal of another action plan.