ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM AUTHORIZATION TO DISCHARGE STORMWATER FROM A MUNICIPAL SEPARATE STORM SEWER SYSTEM TO WATERS OF THE UNITED STATES

This permit provides authorization to discharge under the Arizona Pollutant Discharge Elimination System (AZPDES) program, in compliance with the provisions of Arizona Revised Statutes (A.R.S.) Title 49, Chapter 2, Article 3.1; Arizona Administrative Code (A.A.C.), Title 18, Chapter 9, Articles 9, and amendments thereto; and the Clean Water Act as amended (33 U.S.C. 1251 et seq.). The Permittee, the

City of Phoenix
200 West Washington Street
Phoenix, Arizona 85003-1611

is authorized to discharge stormwater from the municipal separate storm sewer system (MS4) operated by the City of Phoenix to waters of the United States in accordance with the terms and conditions set forth in this permit.

This permit becomes effective on March 10, 2009.

This permit and the authorization to discharge expires at midnight, March 9, 2014.

Joan Card

Joan Card, Director
Water Quality Division
Arizona Department of Environmental Quality
Signed this 3rd day of February 2009

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1.0 AUTHORIZATION

1.1 Applicability

In accordance with 40 CFR 122.26(a) (3) (i), incorporated by reference in A.A.C. R18-9-A905, this permit authorizes the discharge of stormwater from the municipal separate storm sewer system (MS4) owned and operated by the City of Phoenix (the Permittee), a large MS4, to waters of the United States (waters of the U.S.).

1.2 Authorized Discharges

Subject to the terms and conditions of this permit, the City of Phoenix, is authorized to discharge stormwater from all outfalls of the MS4 owned or operated by the Permittee to the waters of the U.S.

2.0 LEGAL AUTHORITY

The Permittee shall continue to maintain and enforce legal authority to control the discharge of pollutants to the MS4 through ordinance, statute, permit, contract or similar means. This legal authority must, at a minimum, authorize the Permittee to:

2.1 Control the contribution of pollutants to the MS4 by stormwater discharges associated with industrial activity (as defined by 40 CFR 122.26(b)(14)) and the quality of stormwater discharged from sites of industrial activity;

2.2 Control the contribution of pollutants to the MS4 by stormwater discharges associated with construction activity and the quality of stormwater discharged from construction sites;

2.3 Prohibit illicit connections and discharges to the MS4;

2.4 Control discharges to the MS4 of spills, dumping, or disposal of materials other than stormwater;

2.5 Require compliance with conditions in ordinances, permits, contracts or orders;

2.6 Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the MS4; and

2.7 Establish requirements for post-construction stormwater controls.

3.0 LIMITATIONS OF COVERAGE

The Permittee shall obtain separate authorization under another AZPDES permit for discharges related to its industrial and construction stormwater discharges, or discharges of non-stormwaters. This permit does not authorize the following facilities or activities:

3.1 Stormwater Discharges Associated with Industrial Activity

Stormwater discharges associated with industrial activity as defined in 40 CFR 122.26(b) (14) (i)-(ix) and (xi).

3.2 Stormwater Discharges Associated with Construction Activity

Stormwater discharges associated with construction activity as defined in 40 CFR 122.26(b) (14) (x) or 40 CFR 122.26(b) (15).

3.3 Non-stormwater Discharges

Non-stormwater discharges, including De Minimus discharges as defined in Section 10 (Definitions) of this permit, except that discharges from emergency fire fighting activities are allowed where such discharges are not a significant source of pollutants to waters of the U.S.

3.4 Stormwater Discharges Mixed with Non-stormwater

Stormwater discharges mixed with sources of non-stormwater, unless the non-stormwater discharges comply with a separate AZPDES permit.

3.5 Discharges to Impaired Waters

Stormwater discharges to waters listed as impaired on Arizona's 2006/2008 303(d) and Other Impaired Waters List, except as specified in Section 6.0 (Special Conditions) of this permit.

3.6 Discharges to Outstanding Arizona Waters

Stormwater discharges to waters identified as outstanding Arizona waters (OAW) in A.A.C. R18-11-112, except as specified in Section 6.0 (Special Conditions) of this permit.

4.0 SURFACE WATER QUALITY STANDARDS

4.1 The Permittee shall protect water quality by reducing, to the maximum extent practicable, discharges that cause or contribute to an exceedance of any applicable surface water quality standard (SWQS) of the State of Arizona (Arizona Administrative Code, Title 18, Chapter 11, Article 1), including the narrative limitations applicable to waters of the U.S receiving discharges from the MS4. To do so, the Permittee shall fully implement the Stormwater Management Program (SWMP), referenced in Section 5.0, any subsequent revisions, and all requirements of this permit, including appendices.

4.2 The Permittee shall compare stormwater quality monitoring data, as measured from the outfalls specified in Section 7.0, Table 1 of this permit, to the SWQSs applicable to the waters receiving the discharge.[1] A pollutant concentration that is greater than the applicable surface water quality standard is not considered a violation of this permit when the Permittee is in compliance with the conditions of this permit. In the event that a pollutant concentration greater than the applicable SWQS is detected, the Permittee shall continue to perform routine monitoring of stormwater discharges as required by Section 7.3 of this permit.

If monitoring data collected under this permit show a recurring (more than once) exceedance at an outfall, the Permittee shall investigate and make all reasonable efforts to identify potential source(s) of the pollutant(s).[2] The Permittee shall evaluate the effectiveness of existing BMP(s) with regard to pollutant(s) of concern and pollutant reductions likely to achieve water quality standards. The permittee shall identify additional BMPs or actions to improve the quality of discharges from the MS4.

4.3 If despite full implementation of the SWMP and other requirements of this permit, the Permittee finds that a discharge contains pollutants above a surface water quality standard, the Permittee shall report this information in the Annual Report. This report shall include, at a minimum, the information specified in Section 8.3 of this permit. For recurring discharges containing pollutants above a SWQS, actions taken to investigate and identify sources and any recommended actions for reducing the discharge of pollutants shall be included in the Annual Report.

4.4 If a recurring exceedance of a SWQS exists at an outfall and it is determined pursuant to Section 4.2 that additional BMPs or actions within the control of the Permittee may reduce a recurring discharge of the pollutant(s) above the SWQS, the Permittee shall immediately begin to implement those actions, or alternatively propose to the Department an action plan including a schedule for implementation.[2] In the event the Permittee elects to propose an action plan, the plan (including the schedule for implementation) must be submitted to the Department within 30 days of identifying the recurring exceedance (in accordance with subsection 4.2). If discharge containing pollutants above an applicable surface water quality standard persists and the Permittee has not acted to reduce the discharge of pollutants, this permit may be reopened and modified to require additional actions to reduce the discharge of pollutants.

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[1] When data is analyzed consistent with Part 7.0 of this permit, and results are below the LOQ, the permittee is to report flagged data. However, in this event, such data is not considered to be an 'exceedance' or to definitively 'contain pollutants above a SWQS' for the purposes of Section 4.0.

[2] *E. coli* values above the SWQS are prevalent in Arizona in high flow precipitation events. For this pollutant, unless the permittee is discharging into a unique water or a waterbody impaired for *E. Coli*, extensive investigation is not required. However, the permittee shall review available information for obvious or high contributing sources, and human sources that can be readily managed or eliminated.

5.0 STORMWATER MANAGEMENT PROGRAM (SWMP)

5.1 Program Implementation

The Permittee shall continue to implement and maintain a Stormwater Management Program (SWMP) designed to reduce, to the maximum extent practicable (MEP), the discharge of pollutants to and from the MS4 that is owned or operated by the Permittee. The SWMP shall comply with the requirements specified in 40 CFR 122.26(d) (2) (iv), incorporated by reference in A.A.C. R18-9-A905. The SWMP shall also incorporate provisions related to the requirements specified in the permit appendices, and generally describe how the data required to be reported will be collected and maintained.

5.2 Measurable Goals

At a minimum, the Permittee shall implement and maintain best management practices and associated frequencies, amounts, timeframes, and other measurable goals specified in Appendix A of this permit. Upon the effective date of this permit, the Permittee shall begin updating the SWMP as necessary to comply with the provisions of this permit, including Appendix A. In addition to these requirements, the Permittee shall implement additional stormwater and non-stormwater BMPs or actions, as necessary, to reduce the discharge of pollutants to from the MS4 to the maximum extent practicable.

5.3 Program Updates

The Permittee shall submit two copies of the updated SWMP (plan) and associated attachments to ADEQ within one year of the issuance date of this permit. The written plan shall include all of the information specified in Appendix C and shall be organized in a similar manner. The SWMP shall be submitted to the ADEQ Surface Water Permits Unit Manager at the address specified in Section 8.6 (Reporting Location) of this permit.

5.4 Annual Program Review

The Permittee shall conduct an annual review of the SWMP, in conjunction with the preparation of the Annual Report required under Section 8.1, to evaluate the effectiveness of the program in reducing the discharge of pollutants to and from the MS4 and to assess improvements in stormwater quality.

5.5 Revisions to the SWMP

The Permittee shall update the SWMP during the permit term as necessary to improve the effectiveness of the program in reducing the discharge of pollutants to and from the MS4 to the maximum extent practicable. Changes to the SWMP made in accordance with the following do not require formal modification of this permit:

1. Addition of New BMPs: The Permittee may add practices or controls to the SWMP at any time during the life of the permit. A description of these modification(s) shall be included in the subsequent Annual Report as required by Section 8.1 of this permit.

2. Addition of Temporary or Experimental BMPs: In addition to the practices or controls described in the SWMP, the Permittee may implement temporary (i.e, event driven) practices, experimental BMPs or controls at any time during the life of the permit. Such controls may also be removed at the discretion of the Permittee. The initiation and cessation of such BMP activities and a statement of the perceived success of the temporary or experimental stormwater control shall be described in the subsequent Annual Report.

3. Increase of Existing BMPs: The Permittee may increase the amount or frequency of an existing BMP in the SWMP at any time during the life of the permit. A description of these modification(s) shall be included in the subsequent Annual Report.

4. Replacement of Existing BMPs: The Permittee may replace an ineffective practice or control with an alternate practice or control during the life of the permit with prior approval by ADEQ. The Permittee shall demonstrate the change will continue to achieve an equivalent or increased reduction in pollutants and shall provide the following information:

   a. A description of the practice, activity, or control to be eliminated;
   b. An explanation of why the original practice, activity, or control is ineffective;
   c. An analysis of how the replacement practice, activity, or control is expected to achieve the goals of those to be replaced; and
   d. An explanation of how the SWMP will continue to reduce the discharge of pollutants, to the maximum extent practicable, with the replacement of the original practice, activity, or control.

   [*Note: Changing BMPs from year to year is allowed by certain Appendix A provisions in 1.A, 1.B, and II.A. These changes do not require prior approvals or modifications of the permit.]*

5.6 SWMP Revisions Requiring a Permit Modification

The Permittee shall not discontinue or decrease an existing practice or control, or requirement, (including an amount, frequency, time frame, or any other measurable goal specified in Appendix A), without prior modification of this permit. Such modifications shall be proposed by the Permittee in writing, as a request for permit modification, and shall describe how the proposed change will continue to achieve an equivalent reduction in pollutants, and will not cause or contribute to an exceedance of any applicable surface water quality standard. A request for permit modification shall include the following information:

a. A description of the practice, activity, control, or program standard to be eliminated or reduced;
b. An explanation of why the practice, activity, control, or program standard should be eliminated or reduced;
c. An analysis of how the goals of the existing practice are expected to be achieved once the practice is eliminated or reduced; and
d. An explanation of how the SWMP will continue to achieve a reduction in pollutants, to the maximum extent practicable, with the elimination or reduction of the practice, activity, control, or program standard.

5.7 Program Modification Required by ADEQ

ADEQ may require changes to the SWMP as needed to:

1. Address impacts on water quality caused, or contributed to, by discharges from the MS4;
2. Include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements; or
3. Include such other conditions deemed necessary by the Director to comply with the goals and requirements of the Clean Water Act.

Changes required by ADEQ shall be made in writing, shall set forth the time schedule for the Permittee(s) to develop the changes, and shall offer the Permittee(s) the opportunity to propose alternative program changes to meet the objective of the modification. All changes required by ADEQ shall be made in accordance with 40 CFR 122.62.

6.0 SPECIAL CONDITIONS

6.1 Discharges from the MS4 to Impaired Waters

This permit is intended to protect the impaired waters within the State of Arizona as specified in Arizona's 2004 303(d) and Other Impaired Waters List. The Permittee shall develop and implement practices and controls to reduce the discharge of any listed pollutant(s) to an impaired water to the maximum extent practicable. These practices and controls shall be clearly identified in the Permittee's SWMP.

The Permittee shall also include any listed pollutant(s) in the stormwater monitoring performed at any outfall(s) discharging to an impaired water, as required by Section 7.3.3 of this permit. Monitoring for listed pollutants shall be performed throughout the permit term at the outfall(s) discharging to the impaired water. (*Note: This provision does not require fish tissue monitoring*.)

6.2 Total Maximum Daily Load (TMDL) Allocations

At the time of permit issuance, no Total Maximum Daily Loads (TMDLs) have been established for any water of the U.S. that receives discharges from the City of Phoenix MS4. However, if a TMDL is established during the permit term, this permit may be reopened and modified to include the requirements of the TMDL and associated implementation plan in accordance with reopening and modification provisions in R18-9-B906 and 40 CFR 122.62.

6.3 Discharge from the MS4 to Outstanding Arizona Waters

This permit is intended to protect outstanding Arizona waters. At the time of permit issuance, no water of the U.S. receiving discharges from the MS4 has been classified as an OAW. However, if a water of the U.S that has the potential to be impacted by the MS4 discharge is classified as an OAW during the permit term, this permit may be reopened and modified, in accordance with R18-9-B906 and 40 CFR 122.62, to include additional conditions to ensure the OAW is adequately protected.

7.0 MONITORING REQUIREMENTS

7.1 Monitoring Objectives

A. To characterize stormwater quality and identify stormwater pollutants,
B. To detect and eliminate illicit discharges,
C. To evaluate the general effectiveness of specific BMPs and the SWMP as a whole, in reducing the discharge of pollutants, and
D. To estimate pollutant loads to waters of the U.S.

7.2. Dry Weather Screening

The Permittee shall continue to implement an ongoing program to monitor major outfalls (as defined in Section 10. of this permit) for illicit discharge, and field screening points if the Permittee's SWMP includes these. The program shall implement the practices and measurable goals specified in Appendix A. The Permittee shall perform outfall inspections in accordance with field screening procedures set forth at 40 CFR 122.26(d)(1)(iv)(D), and other applicable monitoring procedures.

7.3 Wet Weather Monitoring

7.3.1 Representative Storm Events

Regardless of seasonal variations, including duration, a representative storm event for the Phoenix metropolitan area shall be defined for the purposes of this permit as rainfall in the amount of 0.2 inches or more. Stormwater samples shall be collected from discharges resulting from a storm event producing 0.2 inches or more of rainfall and at least 72 hours after the previously measurable storm event (greater than 0.1 inch rainfall).

7.3.2 Storm Event Records

Each season the Permittee shall record measurable storm events (greater than 0.1 inch rainfall) occurring at each outfall specified in Table 1 of this permit until all samples required to be to be collected during the season are obtained from the outfall. The Permittee shall report this storm event data in the Annual Report, including the following information:

1. Date of each storm event;
2. Amount of rainfall (in inches) in the drainage area for each stormwater monitoring location; and
3. For those storm events producing 0.2 inches of rainfall or more, indication of whether or not a stormwater sample was collected, and if not, a brief explanation on the conditions that prevented or did not require sampling.

7.3.3 Seasonal Stormwater Sampling

The Permittee shall sample stormwater discharging from the MS4 to waters of the U.S. at the locations specified in Table 1 throughout the permit term. Stormwater samples shall be collected from the first representative storm event (as specified in Section 7.3.1) of each wet season, and subsequent representative storm events, as necessary to collect at least one stormwater sample from a representative storm event for each wet season from each monitoring location (outfall) specified in Table 1. Wet seasons, for the purposes of monitoring, shall be defined as follows:

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

Stormwater samples shall be collected at the frequencies specified in Table 2 (once each wet season; either every year or every other year of the permit, see Table 2). Sampling shall be conducted over the first six hours of the discharge, or for the entire discharge period if the discharge lasts less than six hours. The Permittee shall design stormwater sampling events to include the "first flush" (first 30 minutes of stormwater discharge) of a representative storm event whenever possible to do so.

TABLE 1
Outfall Monitoring Locations [1, 2]

Outfall ID [2]	Latitude Longitude	Monitoring Location
IB-08	33° 35' 58.5" 110° 00' 15.8"	Indian Bend Wash
SR-49 (3)	33° 23' 59.0" 111° 47' 44.2"	Salt River
SR-45	33° 25' 34.0" 111° 59' 44.0"	Salt River
SR-03 (3)	33° 24' 42.9" 111° 51' 56.2"	Salt River
SR-30 (3)	33° 24' 30.4" 112° 06' 58"	Salt River
AC-33	33° 32' 41.6" 112° 03' 16.2"	AZ Canal Diversion Channel (ACDC)
Replacement to UC03 at a location to be determined (4)		

Footnotes to Table 1

1 Outfall monitoring locations as described in the Stormwater Monitoring Program (Section 6, Table 6-1) of the *Municipal Separate Storm Sewer System, NPDES Permit No. AZS000003 Renewal Application,* dated September 14, 2001.

2 A description of each outfall monitoring location, including land uses for the drainage area is described in the Stormwater Monitoring Program (Section 6.2.1.1: Monitoring Stations) of the *Municipal Separate Storm Sewer System, NPDES Permit No. AZS000003 Renewal Application*, dated September 14, 2001.

3 At the time of permit issuance, these outfalls discharge to an impaired reach of the Salt River (Impaired for DDT metabolites, toxaphene, and chlordane in fish tissue). Monitoring for these pollutants in the stormwater discharge is required at these outfalls. *Note however, no fish tissue monitoring is required by this permit.*

4 UC03 has been removed from this permit due to lack of flow. The City is to submit the following information on a replacement monitoring location for UCO3 within 180 days of issuance of this permit. On approval by ADEQ, this permit will be amended by minor modification to add this monitoring point.

a. Name and description of receiving water
b. Outfall identification number
c. Address or physical location of the site
d. Latitude and longitude
e. Size (acres) of the drainage area
f. Land uses within the drainage area with an estimated percentage of each use
g. Type of monitoring equipment

-

TABLE 2 Stormwater Monitoring		
Parameter [1, 2]	**Sampling Frequency [4]**	**Sample Type [6]**
Conventional Parameters		
Average flow rate for the sampling period [3]	Each time an outfall is sampled	_____
pH	Once each wet season for each year in the permit term beginning in Summer 2009	Discrete (field analysis)
Temperature	" "	Discrete (field analysis)
Hardness	" "	Flow-proportional composite
Total Dissolved Solids (TDS) (mg/L) [2]	" "	" "
Total Suspended Solids (TSS) (mg/L) [2]	" "	" "
Biochemical Oxygen Demand (BOD) (mg/L) [2]	" "	" "
Chemical Oxygen Demand (COD) (mg/L) [2]	" "	" "
Microbiological		
Escherichia coli (*E. coli*) (CFU/100 ml or MPN) [2]	" "	Discrete
Inorganics		
Cyanide, total (ug/L) [2]	" "	Discrete
Metals (ug/L) [2, 5]		
Antimony	" "	Flow-proportional composite
Arsenic	" "	" "
Barium	" "	" "
Beryllium	" "	" "
Cadmium	" "	" "
Chromium	" "	" "
Copper	" "	" "
Lead	" "	" "
Mercury	" "	" "
Nickel	" "	" "
Selenium	" "	" "
Silver	" "	" "
Thallium	" "	" "
Zinc	" "	" "

Nutrients (mg/L) [2]		
Nitrate plus Nitrite as N	“ “	Flow-proportional composite
Ammonia as N	“ “	“ “
Total Kjeldahl Nitrogen (TKN) as N	“ “	“ “
Total Phosphorus	“ “	“ “
Ortho-P (Total)	“ “	“ “
Organic Toxic Pollutants		
Total Petroleum Hydrocarbons (TPH) (mg/L)	“ “	Discrete
Total Oil and Grease (mg/L) [2]	“ “	Discrete
Volatile Organic Compounds (VOCs), Semi-VOCs, and Pesticides (ug/L) [2]		
Parameter [1, 2]	**Sampling Frequency** [4]	**Sample Type** [6]
`Volatile Organics (ug/L) [2, 7]		
Acrolein	Once each wet season every other year of this permit beginning in Summer 2010	Discrete
Acrylonitrile	“ “	“ “
Benzene	“ “	“ “
Bromoform	“ “	“ “
Carbon tetrachloride	“ “	“ “
Chlorobenzene	“ “	“ “
Chlorodibromomethane	“ “	“ “
Chloroethane	“ “	“ “
2-chloroethylvinyl ether	“ “	“ “
Chloroform	“ “	“ “
Dichlorobromomethane	“ “	“ “
1,1-dichloroethane	“ “	“ “
1,2-dichloroethane	“ “	“ “
1,1-dichloroethylene	“ “	“ “
1,2-dichloropropane	“ “	“ “
1,3-dichloropropylene	“ “	“ “
Ethylbenzene	“ “	“ “
Methyl bromide	“ “	“ “
Methyl chloride	“ “	“ “
Methylene chloride	“ “	“ “
1,1,2,2-tetrachloroethane	“ “	“ “
Tetrachloroethylene	“ “	“ “
Toluene	“ “	“ “
1,2-trans-dichloroethylene	“ “	“ “
1,1,1-trichloroethane	“ “	“ “

1,1,2-trichloroethane	“ “	“ “
Trichloroethylene	“ “	“ “
Trimethylbenzene	“ “	“ “
Vinyl chloride	“ “	“ “
Xylene	“ “	“ “
Acid Compounds (ug/L) [2, 7]		
2-chlorophenol	“ “	Flow-proportional composite
2,4-dichlorophenol	“ “	“ “
2,4-dimethylphenol	“ “	“ “
4,6-dinitro-o-cresol	“ “	“ “
2,4-dinitrophenol	“ “	“ “
2-nitrophenol	“ “	“ “
4-nitrophenol	“ “	“ “
p-chloro-m-cresol	“ “	“ “
Pentachlorophenol	“ “	“ “
Phenol	“ “	“ “
2,4,6-trichlorophenol	“ “	“ “
Bases/Neutrals (ug/L) [2, 7]		
Acenaphthene	“ “	Flow-proportional composite
Acenaphthylene	“ “	“ “
Anthracene	“ “	“ “
Benz(a)anthracene	“ “	“ “
Benzo(a)pyrene	“ “	“ “
Benzo(b)fluoranthene	“ “	“ “
Benzo(g,h,i)perylene	“ “	“ “
Benzo(k)fluoranthene	“ “	“ “
Chrysene	“ “	“ “
Dibenzo(a,h)anthracene	“ “	“ “
1,2-dichlorobenzene	“ “	“ “
1,3-dichlorobenzene	“ “	“ “
1,4-dichlorobenzene	“ “	“ “
3,3’-dichlorobenzidine	“ “	“ “
Diethyl phthalate	“ “	“ “
Dimethyl phthalate	“ “	“ “
Di-n-butyl phthalate	“ “	“ “
2,4-dinitrotoluene	“ “	“ “
2,6-dinitrotoluene	“ “	“ “
Di-n-octyl phthalate	“ “	“ “
1,2-diphenylhydrazine (as azobenzene)	“ “	“ “
Fluroranthene	“ “	“ “
Fluorene	“ “	“ “
Hexachlorobenzene	“ “	“ “

Hexachlorobutadiene	“ “	“ “
Hexachlorocyclopentadiene	“ “	“ “
Hexachloroethane	“ “	“ “
Indeno(1,2,3-cd)pyrene	“ “	“ “
Isophorone	“ “	“ “
Naphthalene	“ “	“ “
Nitrobenzene	“ “	“ “
N-nitrosodimethylamine	“ “	“ “
N-nitrosodi-n-propylamine	“ “	“ “
N-nitrosodiphenylamine	“ “	“ “
Phenanthrene *	“ “	“ “
Pyrene	“ “	“ “
1,2,4-trichlorobenzene	“ “	“ “
PCB / Pesticides (ug/L) [2, 7]		
Aldrin	“ “	Flow-proportional composite
Alpha-BHC	“ “	“ “
Beta-BHC	“ “	“ “
Gamma-BHC	“ “	“ “
Delta-BHC	“ “	“ “
Chlordane	“ “	“ “
4,4’-DDT	“ “	“ “
4,4’-DDE	“ “	“ “
4,4’-DDD	“ “	“ “
Dieldrin	“ “	“ “
Alpha-endosulfan	“ “	“ “
Beta-endosulfan	“ “	“ “
Endosulfan sulfate	“ “	“ “
Endrin	“ “	“ “
Endrin aldehyde	“ “	“ “
Heptachlor	“ “	“ “
Heptachlor epoxide	“ “	“ “
PCB-1242	“ “	“ “
PCB-1254	“ “	“ “
PCB-1221	“ “	“ “
PCB-1232	“ “	“ “
PCB-1248	“ “	“ “
PCB-1260	“ “	“ “
PCB-1016	“ “	“ “
Toxaphene	“ “	“ “

Footnotes to Table 2- continued on next page

1 The Permittee shall include any additional parameters in seasonal stormwater sampling as required by Section 6.0 of this permit (Special Conditions).

2 Analytical results shall be reported in the units specified for each category or parameter.

3 Determine the average flow rate for the sampling period (no more than 6 hours). In addition to average flow rate, the Permittee shall also record the duration of the sampling period, the volume of flow over the sampling period, and all other monitoring information as specified in Section 7.6 of this permit (Monitoring Records).

4 Sampling Frequency: The sampling frequency for conventional parameters, cyanide, nutrients, escherichia coli (*E. coli*), TPH, oil and grease, and metals is once each season for each year in the permit term at each monitoring location (outfall). The sampling frequency for VOCs, semi-VOCs, and pesticides is once each season for permit years 1 and 3 at each monitoring location (outfall). If however, the necessary VOCs, semi-VOCs, or pesticide samples cannot be obtained from an outfall or outfall(s) in years 1 or 3, the Permittee shall continue to monitor for the missing parameters in subsequent years as necessary to sample each outfall during at least two summer and two winter wet seasons during this permit term.

5 If analyzing for Total metals, the permittee shall assume a 1:1 total to dissolved ratio for purposes of reporting and comparison with surface water quality standards (SWQS) unless a site specific translator study is performed. Alternatively, the permittee may test for dissolved metals, if appropriate field filtering is completed. In this case, hardness data must also be tested and used to calculate the corresponding SWQS for certain metals as indicated by the Surface Water Quality Standards rules.

6 Sample Type: Discrete samples shall be collected manually for pH, temperature, cyanide, oil and grease, TPH, *E. coli*, and VOCs. Flow-proportional composite samples shall be collected for all other parameters specified in Table 2. A flow-proportional composite sample may be collected with a continuous sampler or as a combination of multiple discrete samples (aliquots). Only one analysis of the composite of aliquots is required. Regardless of the sample type, the Permittee shall attempt to include the “first flush” (first 30 minutes of stormwater discharge) of a representative storm event whenever possible to do so.

7 Methods: These parameters may be run using the following methods: VOCs, 624 or 8260; SVOCs, 625 or 8270; and PCB / Pesticides, 608/625 or 8081/8082 if the laboratory can pass QA with the method. In this case, the data should be marked with a T2 flag.

7.4 Assessment of Pollutant Loadings

The Permittee shall estimate the pollutant loadings each year from all identified municipal outfalls to waters of the U.S. for BOD, COD, TSS, total dissolved solids, total nitrogen, total ammonia plus total organic nitrogen (TKN), total phosphorous, and metals. An event mean concentration of each pollutant shall be estimated using representative storm event data for each year. The Permittee shall estimate the annual (total) pollutant loadings from the MS4 to receiving waters each year. Pollutant loadings and event mean concentrations may be estimated from sampling data collected at the representative monitoring locations and shall take into consideration land uses and drainage areas for the outfall. The pollutant loadings estimated each year shall be compared to previous estimates of pollutant loadings throughout this permit term. Estimates of pollutant loadings and event mean concentrations shall be included in the Annual Report and shall be accompanied by a description of the procedures for estimating pollutant loads and concentrations, including any modeling, data analysis, and calculation methods.

7.5 Sample Collection and Analysis

7.5.1 The Permittee is responsible for the quality and accuracy of all data required under this permit.

7.5.2 Quality Assurance (QA) Manual

The Permittee shall keep a QA Manual that describes the sample collection and analyses processes. If the Permittee collects samples or conducts sample analyses in-house, the Permittee shall develop a QA Manual that addresses these activities. If a third party collects and/or analyzes samples on behalf of the Permittee, the Permittee shall obtain a copy of the applicable QA procedures. The QA Manual shall be available for review by ADEQ/ADHS upon request. The QA Manual shall be updated as necessary, and shall describe the following:

1. Project Management, including roles and responsibilities of the participants; qualifications of persons collecting samples; purpose of sample collection; matrix to be sampled; the analytes or compounds being measured; and applicable permit-specific limits, Assessment Levels or thresholds.

2. Sample collection procedures; equipment used; the type and number of samples to be collected including QA/QC (Quality Assurance/Quality Control) samples (i.e., background samples, duplicates, and equipment or field blanks); preservatives and holding times for the samples (see methods under 40 CFR 136 or Title 9, Chapter 14, Article 6 or any condition within this permit that specifies a particular test method.)

3. Approved analytical method(s) to be used; Limits of Detection (LODs) and Limits of Quantitation (LOQs); required QC results to be reported (e.g., matrix spike recoveries, duplicate relative percent differences, blank contamination, laboratory control sample recoveries, surrogate spike recoveries, etc.) and acceptance criteria; and corrective actions to be taken by the Permittee or the laboratory as a result of problems identified during QC checks.

4. How the Permittee will perform data review; report results to ADEQ; resolve data quality issues; and identify limitations on the use of the data.

7.5.3 Sample Collection

Sample collection, preservation and handling shall be performed as described in 40 CFR 136 including the referenced Edition of *Standard Methods for the Examination of Water and Wastewater*, or by procedures referenced in A.R.S Title 9, Chapter 14 of the ADHS laboratory Licensure rules. The Permittee shall outline the proper procedures in the QA Manual, and samples taken for this permit must conform with these procedures whether collection and handling is performed directly by the Permittee or contracted to another party.

7.5.4 Analyses Requirements

1. The Permittee must use a laboratory that is licensed by the ADHS Office of Laboratory Licensure and Certification. Sample analyses conducted in the field at the time of collection (e.g., temperature, pH, etc.) may be performed by the permittee (including contractors retained by the permittee) utilizing instruments appropriate for the analyses or measurement. Field instruments must be calibrated and maintained according to the manufacturer's specifications. Where such a procedure exists, field analyses shall be conducted in accordance with procedures established in 40 CFR 136. To ensure consistency, the permittee shall prepare Standard Operating Procedures (SOPs) for all analyses conducted in the field, whether or not a procedure is established in 40 CFR 136. Copies of the SOPs

shall be included in the first Annual Report submitted to ADEQ and retained in the QA Manual.

2. The Permittee must use analytical methods specified in this permit. If no test procedure is specified, the Permittee shall analyze the pollutant using:

   a. A test procedure listed in 40 CFR 136;
   b. An alternative test procedure approved by the EPA as provided in 40 CFR 136;
   c. A test procedure listed in 40 CFR 136, with modifications allowed by EPA and approved as a method alteration by ADHS under A.A.C. R9-14-610(C); or
   d. If no test procedure for a pollutant is available under (2)(a) through (c) above, any Method in A.A.C. R9-14-612 or approved under A.A.C. R9-14-610(C) for wastewater may be used. If there is no approved wastewater method for a parameter, any other method identified in 9 A.A.C. 14, Article 6 that will achieve appropriate detection and reporting limits may be used for analyses.

3. For results to be considered valid, all analytical work shall meet quality control standards specified in the approved methods.

4. The Permittee shall use an analytical method with a Limit of Quantitation (LOQ) that is lower than the water quality criteria applicable to the waters of the U.S. which receive stormwater discharges. If all methods have LOQs higher than applicable water quality criteria, the Permittee shall use the approved analytical method with the lowest LOQ.

5. The Permittee shall use a standard calibration where the lowest standard point is equal to or less than the LOQ[3].

7.6 Monitoring Records

The Permittee shall retain records of monitoring activities, including the following information applicable to the sampling event and equipment type:

1. Date and time of sampling or measurements performed;
2. Monitoring location (outfall identification);
3. Individual(s) who performed the sampling or measurements;
4. Duration of the sampling period;
5. Volume of flow during the sampling period;
6. Volume of each discrete and flow-weighted composite sample;
7. Volume of each aliquot in the flow-weighted composite sample;
8. Volume of flow at the time of collection of each aliquot;
9. Number of aliquots in the flow-weighted composite sample;
10. Time interval between collection of each aliquot (or time of collection of each aliquot);
11. Sample preservatives used;
12. Date(s) the analyses were performed;
13. Laboratory and individual(s) who performed the analyses;
14. Analytical techniques or methods used;
15. Published Method Detection Limits (MDL) of each method used, as applicable;
16. Limits of Detection (LODs) of each method used;
17. Results of such analyses;
18. Completed Chain of Custody forms;

[3] In those cases where methods utilize a single point calibration, such as 200.7 for metals, the permittee should request the laboratory to provide the lowest concentration for each analyte over which the instrument response is linear. The linear dynamic range for the method should be established as part of the required QA/QC procedures.

19. Any comments, case narrative or summary of results produced by the laboratory required to be supplied to the Permittee by the laboratory under ADHS licensure rules; and
20. Summary of data interpretation and any corrective action related to the data taken by the Permittee. .

7.7 Retention of Monitoring Records

The Permittee shall retain records of all data collected, including all calibration and maintenance records for field equipment or meters operated by the permitee, copies of all reports required by this permit, and records of all data collected for a period of at least 5 years from the date of the sample, measurement or report.

7.8 Sampling Waiver

Sampling of a representative 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 as required by Section 7.3. of this permit shall be reported to ADEQ in the Annual Report. The Permittee shall continue to monitor subsequent storm events during the monitoring season and perform stormwater sampling of a representative storm event if another occurs during the same wet season.

7.9 Changes to the Monitoring Program by the Permittee

The Permittee may increase the number of monitoring locations, sampling frequencies, or number of monitoring parameters, specified in this permit at any time during the life of the permit without submitting a request for permit modification from ADEQ. A Permittee may also cease any additional monitoring not specified in this permit at any time without submitting a request for permit modification from ADEQ. A description of these change(s) to the monitoring program shall be included in the subsequent Annual Report required by Section 8.1 of this permit.

The Permittee shall not decrease or replace a monitoring requirement specified in this permit, including monitoring locations, sampling frequencies, or monitoring parameters, without modifying this permit. Changes to the monitoring requirements specified in this permit shall be proposed by the Permittee in writing, as a request for permit modification. A proposal for permit modification to change a monitoring requirement shall include the following information:

a. A description of the monitoring requirement to be reduced or replaced;
b. An explanation of why the monitoring requirement should be reduced or replaced;
c. A description of the proposed change to the monitoring requirement;
d. An explanation of how the proposed change will affect the monitoring program; and
e. An analysis of how the proposed change will continue to achieve the goals of the monitoring program with the reduction or replacement of the monitoring requirement.

7.10 Modification to Monitoring Program Required by ADEQ

ADEQ may require changes to the monitoring program to:

1. Assess impacts on receiving water quality caused, or contributed to, by discharges from the MS4; or
2. Include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements.

Changes required by ADEQ shall be made in writing, shall set forth the time schedule for the Permittee(s) to develop the changes, and shall offer the Permittee(s) the opportunity to propose alternative changes to meet the objective of the modification. All changes required by ADEQ shall be made in accordance with R18-9-B906 and 40 CFR 122.62.

7.11 Compliance with Monitoring Requirements

The Permittee shall implement and comply with all of the monitoring requirements specified in Section 7.0 of this permit. 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.

8.0 REPORTING REQUIREMENTS

8.1 Annual Reporting

8.1.1 All Annual Reports

The Permittee shall prepare an Annual Report summarizing the progress of the SWMP and the findings of monitoring activities for each year of the permit term. The Annual Report shall be submitted to the Stormwater & General Permits Unit, Surface Water Section each year as specified in Sections 8.5 and 8.6 which follow. The Permittee shall complete the Annual Report Form (ARF), as attached in Appendix B of this permit, consisting of the following information:

1. General Information
   Name of Permittee (legal entity); existing MS4 permit number; name, title, mailing address, telephone and fax number, and email address of the stormwater program contact person; and name, title, mailing address, telephone and fax number, and email address of the municipal or county official that is signing and certifying the renewal application.
2. Report Certification
3. Summary of Stormwater Management Program Activities (narrative)
4. Summary of Stormwater Management Program Activities (numeric)
5. Evaluation of the Stormwater Management Program
6. Stormwater Management Program Modifications
7. Monitoring Locations
8. Storm Event Records
9. Summary of Monitoring Data
10. Assessment of Monitoring Data (also see Section 8.3 of this permit - Discharge of Pollutants above a Surface Water Quality Standard)
11. Estimate of Pollutant Loadings
12. Annual Expenditures
13. Attachments

When the Permittee is unable to collect stormwater samples, as required by Section 7.3 of this permit, due to adverse climatic conditions, the Permittee shall submit in the Annual Report, in lieu of sampling data, a description of the conditions that prevented sampling, including documentation of the storm event.

8.1.2 The 4th Year Annual Report.

In addition to the information in Section 8.1.1, the 4th year submittal shall be expanded to include the following provisions. This comprehensive document shall serve as the renewal application for the permittee.

1. Receiving Waters - Identification of waters of the U.S. (including Phoenix Area canals) that may receive discharges from the MS4. Include a brief description of the designated uses of each receiving water and any known water quality impairments or total maximum daily loads (TMDLs) for the receiving water, or designation of the receiving water as a OAW resource.

2. Mapping **-** An up to date map or map(s) showing MS4 boundaries, receiving waters, and stormwater monitoring location(s) and the associated drainage basins.

3. Rain Gauges - Identification of the location of rain gauges in the vicinity of the monitoring locations with approximate longitude and latitude for each rain gauge.

4. Discharge Characterization Data - Summary of stormwater quality monitoring data based on all sampling results obtained during the permit term. Provide an evaluation of the quality of stormwater discharges from the MS4, including a discussion on the detection and non-detection of specific pollutants. Identify any discernable trends, improvements, or degradation of stormwater quality discharges from the MS4.

5. Pollutant Loads **-** Summary of the annual (or seasonal) pollutant loadings for detected pollutants in stormwater discharges from the MS4.

6. Updated SWMP - A copy of the current updated SWMP and associated attachments in Section 5.4 and Appendix C of this permit.

7. Any proposed modifications to the monitoring program - If changes are proposed to the stormwater monitoring program (such as changes to monitoring locations, parameters, or frequency), identify those and include a brief discussion on the reason(s) for modification.

8. Modifications to the Stormwater Management Program - Summary of changes made to the Stormwater Management Program during the permit term, including any addition or replacement of BMPs.

9. Proposed Modifications to the SWMP - If changes to the SWMP activities, practices, or controls are proposed for the next permit term, identify those and include a brief discussion on the reasons for modification.

10. Fiscal Analysis **-** Brief description of the funding sources used to support MS4 SWMP expenditures.

8.2 Non-filer Notifications

The Permittee shall notify the Department of any construction or industrial activities that are known to be occurring without AZPDES authorization to discharge stormwater associated with those activities (i.e. non-filers). Information shall be reported to the Unit Manager, Field Services Unit, Water Quality Compliance Section periodically, but at least semi-annually.

1. For construction activities that are known by the Permittee to be occurring without ADEQ's NOI authorization, for permit coverage under the AZPDES Construction General Permit, provide the project name and address, and operator name and contact information, if known. Non-filers do not include operators that have received written acknowledgment of a permit waiver certification form from ADEQ or not otherwise subject to AZPDES permitting.

2. For industrial activities that are known by the Permittee to be occurring without ADEQ's required NOI authorization for permit coverage under the MSGP, or other general or individual NPDES permit for stormwater discharges associated with industrial activity, provide the facility name and address, SIC (Standard Industrial Classification) code, business owner or operator, and contact information, if known. Non-filers do not include operators that have received written acknowledgment of a No Exposure Certification form from ADEQ or not otherwise subject to AZPDES permitting.

Notification of non-filers shall be in writing and may be submitted by mail, hand delivery, electronic submittal, e-mail or facsimile. This requirement is not considered subject to the signatory and certification requirements of Sections 9.2 and 9.12.

8.3 Discharge of a Pollutant Above a Surface Water Quality Standard

If the Permittee detects a discharge that contains a concentration of a pollutant above an applicable surface water quality standard on a recurring basis, the Permittee shall report this information in the Annual Report as required by Section 4.3 of this permit. The report shall include, at a minimum:

a. Sampling dates;
b. Monitoring location (outfall identification number);
c. Waters of the U.S. that received the discharge and surface water quality standard (SWQS) which was exceeded;
d. Outfall monitoring results (laboratory reports);
e. A description of the efforts to investigate and identify the sources of the pollutant(s), and circumstances that may have caused or contributed to high pollutant levels;
f. Proposed further actions, which may include revisions to the SWMP consisting of additional and/or alternative BMPs to reduce or eliminate, as applicable, the pollutant(s) or source(s) to the maximum extent practicable;
g. If applicable, a schedule for implementing the proposed stormwater or non-stormwater management practices or pollution controls.

8.4 Additional Reporting Requirements

The Permittee shall comply with all additional reporting requirements specified in Section 9.0 (Standard Conditions) of this permit, including the following conditions:

Planned Changes	9.13 (1)
Anticipated non-compliance	9.13 (1)
Transfers	9.13 (2)
Monitoring Reports	9.13 (3)
Compliance Schedules	9.13 (4)
24 Hour Reporting	9.13 (5)
Other Non-compliance	9.13 (6)
Other Information	9.13 (7)
Availability of Reports	9.18

8.5 Reporting Deadline

Annual reports are due on September 30th of each year.

8.6 Reporting Locations

24-hour reporting requirements specified in Section 9.13 of this permit shall be made to:

ADEQ's 24-hour hotline (602) 771-2330

ADEQ Water Quality Compliance Manager (602) 771-2209

All documents (Annual Reports, SWMPs, Renewal Application) required by this permit to be submitted to ADEQ Surface Water Section shall be directed to:

ADEQ - Surface Water Section
Stormwater & General Permits Unit
Mail Code: 5415A-1
1110 W. Washington Street
Phoenix, AZ 85007
Phone (602) 771-4508

All documents (AZPDES Non-filer reports) required by this permit to be submitted to ADEQ Water Quality Compliance Section shall be directed to:

ADEQ - Water Quality Compliance Section
Field Services Unit Manager
Mail Code: 5415B-1
1110 W. Washington Street
Phoenix, AZ 85007
Phone (602) 771-4841

8.7 Signatory and Certification Requirements

All applications, reports or information submitted to ADEQ shall be signed and certified in accordance with Sections 9.12 (Signatory Requirements) of this permit, except as specifically provided in Section 8.2.

9.0 STANDARD CONDITIONS

9.1 Duty to Reapply [A.A.C. R18-9-B904(B)]
The Permittee shall submit the information required for renewal at least 180 days before this permit expires.

9.2 Signatories to Applications or Reports
[A.A.C. R18-9-A905 (A) (1) (c) incorporates by reference 40 CFR 122.22]

1. All permit applications for a municipality, State, Federal, or other public agency shall be signed by either a principal executive officer or ranking elected official.

2. Reports and Other Information
All reports required by this permit and other information requested by ADEQ shall be signed by a person described in subsection 9.2.1 of this Section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
(a) The authorization is made in writing by a person described in 9.2.1;
(b) 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 plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
(c) The written authorization is submitted to ADEQ.

3. Changes to Authorization
If an authorization under subsection 9.2.2. of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of 9.2.2 of this section must be submitted to ADEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification
Any person signing a document under subsection 9.2.1 or 9.2.2 of this section 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.

9.3 Duty to Comply
[A.A.C. R18-9-A905 (A) (3) (a) which incorporates 40 CFR 122.41(a)(i) and A.R.S. §§ 49- 262, 263.01, and 263.02]

1. The Permittee shall comply with all conditions of this permit and any standard and prohibition required under A.R.S. Title 49, Chapter 2, Article 3.1 and A.A.C. Title 18, Chapter 9, Articles 9 and 10. Any permit non-compliance 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,

Articles 9 and 10, and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, or denial of a permit renewal application.

2. 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.

3. The Permittee shall comply with the effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulation that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

4. **Civil Penalties**: A.R.S. § 49-262(C) 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 4 is subject to a civil penalty not to exceed $25,000 per day per violation.

5. **Criminal Penalties**: Any person who violates a condition of this permit, or violates a provision under A.R.S. Title 49, Chapter 2, Article 3.1, or A.A.C. Title 18, Chapter 9, 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.

9.4 Need to Halt or Reduce Activity Not a Defense

[A.A.C. R18-9-A905 (A)(3) (a) incorporates by reference 40 CFR 122.41(c)]
It shall not be a defense for a Permittee 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.

9.5 Duty to Mitigate

[A.A.C. R18-9-A905(A)(3)(a) incorporates by reference 40 CFR 122.41(d)]
The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

9.6 Proper Operation and Maintenance

[A.A.C. R18-9-A905(A)(3)(a) incorporates by reference 40 CFR 122.41(e)]
The Permittee 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 Permittee to achieve compliance with the conditions of this permit and the Permittee's SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

9.7 Permit Actions

[A.A.C. R18-9-A905(A)(3)(a) incorporates by reference 40 CFR 122.41(f)]
This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

9.8 Property Rights

[A.A.C. R18-9-A905(A)(3)(a) incorporates by reference 40 CFR 122.41(g)]
This permit does not convey any property rights of any sort, or any exclusive privilege nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, Indian tribe, or local laws or regulations.

9.9 Duty to Provide Information

[A.A.C. R18-9-A905(A)(3)(a) incorporates by reference 40 CFR 122.41(h)]
The Permittee shall furnish to ADEQ, within a reasonable time, any information which ADEQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also furnish to ADEQ upon request, copies of records required to be kept by this permit.

9.10 Inspection and Entry

[A.R.S. §41-1009; A.A.C. R18-9-A905(A)(3)(a) incorporates by reference 40 CFR 122.41(i)]

The Permittee shall allow ADEQ, or an authorized representative, upon the presentation of credentials and such other documents as may be required by law, to:

1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the terms of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring or control equipment), practices or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, A.R.S. Title 49, Chapter 2, Article 3.1, and A.A.C. Title 18, Chapter 9, Article 9, any substances or parameters at any location.

9.11 Monitoring and Records

[A.A.C. R18-9-A905(A)(3)(a) incorporates by reference 40 CFR 122.41(j)]
Refer to Section 7.0 of this permit for monitoring requirements.

9.12 Signatory Requirement

[A.A.C. R18-9-A905(A)(3)(a) incorporates by reference 40 CFR 122.41(k)]

1. All applications, reports or information submitted to ADEQ shall be signed and certified. (See 40 CFR 122.22 incorporated by reference at R18-9-A905(A)(1)(c))

2. The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both for a first conviction. For a second conviction, such a person is subject to a fine of not more than $20,000 per day of violation, or imprisonment of not more than four years, or both. [Updated pursuant to the Water Quality Act of 1987]

9.13 Reporting Requirements
[A.A.C. R18-9-A905 (A) (3) (a) which incorporates 40 CFR 122.41(l)]

1. Anticipated Noncompliance
   The Permittee shall give advance notice to ADEQ of any planned changes in the permitted facility of activity which may result in noncompliance with the permit requirements.

2. Transfers (A.A.C. R18-9-B905)
   This permit is not transferable to any person except after notice to ADEQ. ADEQ may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary under Arizona Revised Statutes and the Clean Water Act.

3. Monitoring Reports
   Refer to Section 8.0 of this permit for reporting requirements.

4. Compliance Schedules
   Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

5. Twenty-four Hour Reporting
   The Permittee shall orally report any noncompliance with this permit which may endanger the environment or human health within 24 hours from the time the Permittee becomes aware of the event to ADEQ 24 hour hotline at (602) 771-2330. The Permittee shall also notify the appropriate regional Water Quality Compliance Manager by phone call or voice mail by 9 a.m. on the first business day following the noncompliance. (Refer to Section 8.6 for ADEQ contact information)

   The Permittee shall also notify ADEQ Water Quality Compliance Section in writing within 5 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 time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. Written reports shall be submitted to ADEQ Water Quality Compliance Section as specified in Section 8.6 of this permit.

6. Other Noncompliance
   The Permittee shall report all instances of noncompliance not otherwise required to be reported under this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph 5 of this subsection.

7. Other Information
   Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to ADEQ, the permittee shall promptly submit such facts or information to ADEQ.

9.14 Bypass

[A.A.C. R18-9-A905 (A)(3)(a) incorporates by reference 40 CFR 122.41(m)]

1. Definitions
   a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
   b. "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.

2. Bypass not Exceeding Limitations
   The Permittee may allow any bypass to occur which 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 of paragraphs 3 and 4 of this subsection.

3. Notice
   a. Anticipated Bypass
      If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
   b. Unanticipated Bypass
      The Permittee shall submit notice of an unanticipated bypass as required in paragraph 5 of Subsection 9.13 (24-hour Reporting).

4. Prohibition of Bypass
   a. Bypass is prohibited, and ADEQ may take enforcement action against a Permittee for a bypass, unless:

      (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      (ii) 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
      (iii) The Permittee submitted notices as required under paragraph 3 of this Subsection.

   b. ADEQ may approve an anticipated bypass, after considering its adverse effects, if ADEQ determines it will meet the three conditions listed above in paragraph 4.a.

9.15 Upset

[A.R.S. §§ 49-255(8) and 255.01(E), A.A.C. R18-9-A905 (A)(3)(a) incorporates by reference 40 CFR 122.41(n)]

1. Definition
   "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit discharge limitations because of factors beyond the reasonable control of the Permittee. Upset does not include noncompliance to the extent that it is caused by operational error, improperly designed

treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

2. Effect of an Upset
An upset constitutes an affirmative defense to any administrative, civil or criminal enforcement action brought for noncompliance with such technology-based discharge limitations if all requirements of paragraph 3 of this section 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.

3. Conditions Necessary for a Demonstration of Upset
A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
   a. An upset occurred and that the Permittee can identify the specific cause of the upset;
   b. The permitted facility was being properly operated at the time of the upset; and
   c. The Permittee submitted notice of the upset as required in paragraph 13(f) (24-hour notice);
   d. The Permittee complied with any remedial measures required under 40 CFR 122.41(d); and
   e. The Permittee has taken appropriate measure including all reasonable steps to minimize or prevent any discharge or sewage sludge use or disposal that is in violation of the permit and that has a reasonable likelihood of adversely affecting human health or the environment per A.R.S. § 49-255.01(E)(1)(d).

4. Burden of Proof
In any enforcement preceding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

9.16 Reopener Clause

[A.A.C. R18-9-B906, and R18-9-A905 incorporates by reference 40 CFR 122.62]
The permit may be reopened based on newly available information; to address statutory or regulatory changes that occur during the permit term; to include conditions or limits for toxic constituents determined to be present in the discharge; to address provisions of an applicable TMDL; or to implement any EPA-approved new Arizona surface water quality standard. Per 40 CFR 122.62, when a permit is modified, only the conditions subject to modification are reopened.

9.17 Termination of Permits

[A.A.C. R-9-B906(c) and 40 CFR 122.64]
The following are causes for terminating a permit during its term, or for denying a permit renewal application:

1. Noncompliance by the Permittee with any condition of the permit;
2. The Permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the Permittee's misrepresentation of any relevant facts at any time;
3. A determination by ADEQ that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
4. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit.

9.18 Availability of Reports [Pursuant to A.R.S § 49-205 and Clean Water Act Section 308]
Except for data determined to be confidential under A.R.S. § 49-205(A), all records, reports or information prepared in accordance with the terms of this permit shall be made available to the public**.** In accordance with A.R.S. § 49-205(B) and (C), permit applications, permits, and effluent data shall be available to the public.

9.19 Removed Substances [Pursuant to Clean Water Act Section 301]
Solids, sludges, filter backwash, or other pollutants removed in the course of maintenance of the MS4 shall be disposed of in a manner that prevents any pollutant from such materials from entering waters of the U.S. This provision is not intended to prevent the legitimate reuse or recycling of such materials in an environmentally responsible manner and as described in the Permittee's SWMP.

9.20 Severability [Pursuant to A.R.S. § 49-324(E) and Clean Water Act Section 512]
The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and remainder of the permit, shall not be affected thereby.

9.21 Civil and Criminal Liability
[Pursuant to A.R.S. §§ 49-262, 263.01, and 263.02 and Clean Water Act Section 309]
Except as provided in permit conditions on "Bypass" (Section 9.14) and "Upset" (Section 11.15), nothing in this permit shall be construed to relieve the Permittee from civil or criminal penalties for noncompliance.

9.22 Oil and Hazardous Substance Liability [Pursuant to Clean Water Act Section 311]
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Clean Water Act.

9.23 State or Tribal Law
[Pursuant to A.A.C. R18-9-A904(c) and Clean Water Act Section 510]
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from 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.

9.24 Other Environmental Laws
No condition of this permit releases the operator from any responsibility or requirements under other environmental statutes or regulations.

10.0 DEFINITIONS

Aliquot means a portion of a discrete sample used to produce a composite sample for analysis.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, structural and nonstructural controls, operational and maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States.

Composite Sample is a combined sample that is formed by combining a series of individual, discrete samples of specific volumes at specified intervals. Composite samples characterize the quality of a stormwater discharge over a longer period of time, such as the duration of a storm event. Although, these intervals can be time-weighted or flow-weighted, this permit requires the collection of flow-proportional composite samples. This means that samples are collected and combined using aliquots in proportion to flow rather than time. Also see Flow-Proportional Composite Sample and Flow-Weighted Composite Sample.

Construction Site Means a location where construction activities (as defined in 40 CFR 122.26(b)(14)(x) and 40CFR 122.26(b)(15)) are initiated and therefore the Operator was required to obtain coverage under Arizona's Stormwater Construction General Permit.

CWA means the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500; 86 Stat.816; 33 United States Code sections 1251 through 1376), as amended. [A.R.S. § 49-201(6)]

De Minimus Discharge means a discharge that is a low flow and/or low frequency event of relatively pollutant free water which is discharged with appropriate BMPs to reduce any pollutants to below the applicable surface water quality standards (18 A.A.C. 11, Article 1). De Minimus discharges to Waters of the U.S. require permit coverage and shall not last for more than 30 days, unless approved in advance by the Department.

Department means the Arizona Department of Environmental Quality. [A.R.S. § 49-201(9)]

Director means the Director of the Arizona Department of Environmental Quality or the Director's designee.

Discharge when used without qualification, means the "discharge of a pollutant."

Discharge of a Pollutant means any addition of any "pollutant" or combination of pollutants to "waters of the U.S." from any point source.

Discrete or Grab Sample means a discrete, individual sample collected from a single location within a short period of time (usually less than 15 minutes). Analysis of grab samples characterizes the quality of a discharge at a given time of the discharge.

Field Screening Point means a location other than an outfall, within a conveyance of a MS4 where either visual observation or sampling is performed.

Flow-Proportional Composite Sample is a sample that combines discrete samples collected over time, based on the flow of the discharge being sampled. There are two methods used to collect this type of sample. One collects a constant sample volume at time intervals that vary based on stream flow. The other collects discrete samples that are proportioned into aliquots of varying volumes based on stream flow, at constant time intervals (i.e. flow-weighted composite sample).

Flow-Weighted Composite Sample means a composite sample consisting of a mixture of aliquots from discrete samples collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

Illicit Connection means pipes, drains, open channels and other conveyances that have the potential to allow an illicit discharge to enter the storm sewer system, including connections made in the past, whether or not the connection was permissible at the time.

Illicit Discharge means any discharge to a MS4 that is not composed entirely of stormwater except discharges pursuant to a NPDES or AZPDES permit (other than the NPDES or AZPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities. [40 CFR 122.26(b) (2)]

Impaired Water means a water of the U.S. that has been assessed by ADEQ, under the CWA, Section 303(d), as not attaining a surface water quality standard (SWQS) for at least one designated use, and is listed in Arizona's 2004 303(d) and Other Impaired Waters List.

Large Municipal Separate Storm Sewer System means a municipal separate storm sewer that is either:

1. Located in an incorporated area with a population of 250,000 or more as determined by the 1990 Decennial Census by the Bureau of Census; or
2. Located in a county with an unincorporated urbanized area with a population of 250,000 or more, according to the 1990 Decennial Census by the Bureau of Census, but not a municipal separate storm sewer that is located in an incorporated place, township, or town within the county; or
3. Owned or operated by a municipality other than those described in (1) and (2) above, and that are designated by the Director under A.A.C. R18-9-A902(D)(2) as part of the large municipal separate storm sewer system. [A.A.C. R18-9-A901 (16)]

Limit of Detection or LOD means an analyte- and matrix-specific estimate of the minimum amount of a substance that an analytical process can reliably detect, which may be laboratory dependent and is developed according to Arizona Administrative Code R9-14-615(C)(7).

Limit of Quantitation or LOQ means the minimum levels, concentrations, or quantities of a target variable such as an analyte that can be reported with a specific degree of confidence.

Major Outfall means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or from its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal storm sewers that receive stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more). [40 CFR 122.26(b) (5)]

Measurable Goal means a quantitative measure of progress in implementing a component of a stormwater management program.

Medium Municipal Separate Storm Sewer System (MS4) means a municipal separate storm sewer that is either:

a. Located in an incorporated area with a population of 100,000 or more but less than 250,000, as determined by the 1990 Decennial Census by the Bureau of the Census; or

b. Located in a county with an unincorporated urbanized area with a population of 100,000 or more but less than 250,000 as determined by the 1990 Decennial Census by the Bureau of the Census; or
c. Owned or operated by a municipality other than those described in subsections (a) and (b) and that are designated by the Director under A.A.C. R18-9-A902(D)(2) as part of the medium municipal separate storm sewer system. [A.A.C. R18-9-A901 (20)]

MS4 means municipal separate storm sewer system (Also see definitions for large and medium municipal separate storm sewer systems).

Municipal Separate Storm Sewer means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
1. Owned or operated by a State, city, town, county, 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 waters of the United States;
2. Designed or used for collecting or conveying stormwater;
3. That is not a combined sewer; and
4. That is not part of a Publicly Owned Treatment Works (POTW) as defined at A.R.S § 49-255.

Outfall means a point source (as defined by A.R.S. § 49-201) at the point where a municipal storm sewer discharges to waters of the United States, and does not include open conveyances connecting two separate municipal storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

Point Source means 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, or vessel or other floating craft from which pollutants are or may be discharged to waters of the U.S. Point source does not include return flows from irrigated agriculture or agricultural stormwater runoff. [40 CFR 122.2 & A.R.S. § 49-201(28)]

Pollutant means 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 and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous or hazardous substances. [A.R.S. § 49-201(29)]

Practical Quantitation Limit (PQL) is the lowest concentration of the analyte that can be reliably measured within specified limits of precision and accuracy during routine laboratory operating conditions [as defined in the Federal Register on July 8, 1987 (52 FR 25699)].

Sanitary Sewer Overflow (SSO) means an unintentional discharge of untreated sewage from municipal sanitary sewer systems as a result of broken pipes, equipment failure, or system overload, caused by severe weather, improper system operation and maintenance, or vandalism, including discharges from the collection system due to pipe blockages, pipe breaks, infiltration and inflow from leaky pipes, equipment failures, and insufficient system capacity (EPA Source Water Protection Practices Bulletin, July 2001).

Stormwater means stormwater runoff, snow melt runoff, and surface runoff and drainage. [A.A.C. R18-9-A901 (36)]

Stormwater Management Program (SWMP) means a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system. Stormwater Management Program (or Stormwater Management Plan) is also used to refer to the written document that describes a stormwater management program.

Outstanding Water means a water of the U.S. that has been designated by ADEQ as an outstanding state resource by the Director under A.A.C. R18-11-112.

Waters of the United States (U.S.) means those waters as defined in 40 CFR 122.2.

11.0 REFERENCES

1. *Municipal Separate Storm Sewer System, Annual Report Year Ending June 30, 2006, City of Phoenix, Arizona, NPDES Permit No. AZS000003.*

2. *Municipal Separate Storm Sewer System, Annual Report Year Ending June 30, 2005, City of Phoenix, Arizona, NPDES Permit No. AZS000003*

3. *Municipal Separate Storm Sewer System, Annual Report Year Ending June 30, 2004, City of Phoenix, Arizona, NPDES Permit No. AZS000003*

4. *Municipal Separate Storm Sewer System, Annual Report Year Ending June 30, 2003, City of Phoenix, Arizona, NPDES Permit No. AZS000003*

5. *Municipal Separate Storm Sewer System, Annual Report Year Ending June 30, 2002, City of Phoenix, Arizona, NPDES Permit No. AZS000003*

6. *Municipal Separate Storm Sewer System, Annual Report Year Ending June 30, 2001, City of Phoenix, Arizona, NPDES Permit No. AZS000003*

7. *Municipal Separate Storm Sewer System, NPDES Permit No. AZS000003 Renewal Application*, dated September 14, 2001

8. National Pollutant Discharge Elimination System (NPDES) Permit for the City of Phoenix MS4, Permit No. AZS000003, dated February 14, 1997 (Effective March 19, 1997) and Permit Modification, dated April 15, 1998 (Effective May 23, 1998), *Expired March 19, 2002.*

9. *City of Phoenix Stormwater Management Program*, dated October 1, 1996, and revised July 11, 1997.

10. ADEQ's City of Phoenix MS4 permit file, including *EPA's Program Evaluation Report*, dated February 25, 2002, and City of Phoenix's *Response to Program Evaluation Report*, dated April 12, 2002.

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

12. A.A.C. Title 18, Chapter 9, Article 9. *Arizona Pollutant Discharge Elimination System* rules.

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

14. EPA's preliminary comment letter on the City of Phoenix draft MS4 permit, May 30, 2008.