

# **The Cumulus Stage of Arizona's Stormwater Program**

**An AZPDES Update  
May 11, 2010**

## Cumulus Stage

The initial stage of thunderstorms is the cumulus cloud, which includes updraft and building of the cloud. However, not all cumulus clouds become thunderstorms.

What does the cumulus cloud have to do with Arizona's stormwater program?

Much like the building of a thunderstorm, the stormwater program has an updraft of activities that is turning eyes to the sky...or in this case, to stormwater discharges.

What is the updraft of activities:

- New permits
- Re-issued permits
- Effluent Limitations Guidelines
- Budget
- Other...

# **GENERAL PERMITS**

## **A BRIEF UPDATE**

- Multi Sector General Permit
- De Minimis General Permit
- Pesticide General Permit

## MSGP

Being split into two separate permits:

- “Mining Permit” Sectors G, H, I, and J
- “Non-Mining Permit” All Other Sectors

## MSGP

- Anticipate 2 more meetings, one for each permit stakeholder group, before going to public notice.
- Meetings are not currently scheduled.
- Sign up for MSGP List Serve to stay informed:

<http://www.azdeq.gov/subscribe.html>



# De Minimis General Permit

## AZG2010-001

- Issued April 27, 2010
- Replaces AZG2004-001 (expired March 2009)

## De Minimis General Permit AZG2010-001

- Long-term comprehensive coverage is now available for various kinds of **facilities** and **projects** that have numerous discharge sources. This option was formerly available only to public water suppliers and certain other utilities.
- For soil and/or groundwater remediation activities, the 2004 permit excluded all discharges except those from well construction/development and monitoring well purge water. Under the 2010 DMGP, eligibility has been added for discharges from pumping tests of remediation wells, subject to certain limitations and specific approval in each case.
- Discharges from backflushing of injection wells are now eligible, provided the discharges meet the applicable Surface Water Quality Standards.

# De Minimis General Permit AZG2010-001

More information is available at:

<http://www.azdeq.gov/environ/water/permits/gen.html#demi>

Or by contacting:

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# Status of U.S. EPA's Pesticide General Permit

- Anticipated to go to public comment May 2010;
- 30 to 45-day comment period;
- Finalize (issue) permit in December 2010.

## **Pesticide General Permit**

**Permit coverage will be required for the following:**

- 1) The application of pesticides directly to water in order to control pests; and
- 2) The application of pesticides to control pests that are present over or near water, where a portion of the pesticides will unavoidably be deposited to the water in order to target the pests.

## **Pesticide General Permit**

### **Permit to Address Four Use Patterns of Biological and Chemical Pesticides:**

- 1) Mosquito and Other Aquatic Nuisance Insect Control;
- 2) Aquatic Weed and Algae Control;
- 3) Aquatic Nuisance Animal Control; and
- 4) Areawide Pest Control.

## Likely Affected Persons

- Cities
- Counties
- Flood and Irrigation Districts
- State Agencies (Land, Game and Fish, Parks, Transportation, etc.)
- Federal Agencies (Fish & Wildlife, National Parks, Forest Service, etc.)
- For Hire Applicators
- Golf Courses
- Military
- Other

## Pesticide General Permit

### ADEQ Strategy:

- Evaluate EPA's Permit
- Seek Stakeholder Comment and Participation
- Issue Arizona PGP Early 2011

PGP List Serve Coming Soon, Check at [www.azdeq.gov](http://www.azdeq.gov) and click on "Subscribe" and follow instructions.



**...and for the TA-DA moment...  
Stormwater Construction  
Effluent Limitations Guidelines!  
(or ELGs)**

## What is an ELG, you might ask?

- ELGs are national standards that are developed by EPA on an industry-by-industry basis, and are intended to represent the greatest pollutant reductions that are economically achievable for an industry.
- Are in Federal Rules and all states must incorporate into their programs.

## **Great, what does this have to do with my construction site?**

- Recall from last year's conference, EPA issued notice of proposed rule making for establishing an ELG(s) for construction sites.
- Rule was finalized (published December 1, 2009) and is now law!
- See 40 CFR 450, Construction and Development Point Source Category.

## The final rule establishes two types of ELGs:

- Effluent limitations based on Best Practicable Technology Currently Available (BPT) which are *non-numeric* requirements; and
- Effluent Limitations Reflecting the Best Available Technology Economically Achievable (BAT), including *numeric* standard.

# Non-Numeric ELG Requirements

Largely already exist in Arizona's Stormwater CGP and include 6 categories:

1. Erosion *and* Sediment Controls
2. Soil Stabilization
3. Dewatering
4. Pollution Prevention
5. Prohibited Discharges, and
6. Surface Outlets

## Numeric ELG Requirements

Good News! EPA did not adopt the *13 NTU* limit proposed in the notice of rule making.

## **Numeric ELG Requirements**

**News! EPA established turbidity limit of 280 NTUs...for sites with 10 or more acres disturbed at any one time.**

## **Numeric ELG Requirements**

Numeric limit does not apply to 2 year, 24-hour and larger storm events.



## Numeric ELG Requirements

- Rule also establishes analytical monitoring requirement.
- ADEQ will work with stakeholders to establish monitoring program(s)

## **ELG Implementation Timeframe**

### **EPA Rule Schedule:**

- 1. Non-numeric standards effective February 1, 2010**
- 2. Numeric standards**
  - 20 acres or more – August 2, 2010**
  - 10 acres or more – February 2, 2014**

## **ELG Implementation Timeframe**

Arizona's planned approach:

- ADEQ does not plan on re-issuing permit until it expires in February 2013
- Next permit iteration will have to incorporate the ELGs (numeric and non-numeric)
- Until Arizona's permit is re-issued, permittees do not have to comply with 40 CFR 450
- Do have to continue to comply with current permit requirements

# Questions?

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