

## ***Arizona Stormwater Summit 2016***

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### ***Stormwater Construction General Permit (CGP) Inspections & Enforcement: What To Expect When Your Inspected***

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Arizona Department of Environmental Quality (ADEQ)

- Regulations & Definitions
- Types of Inspections
- Inspection Activities
- Components of Inspection Checklist
- Common Deficiencies
- Best Management Practices (BMPs)
- Enforcement

# CGP

The AZPDES 2013 Construction General Permit (CGP) was signed on May 29, 2013 and became effective June 3, 2013

The CGP authorizes storm water discharges from construction-related activities where those discharges have a potential to enter surface waters of the United States or a storm drain system.

## 2 Types of Inspections

- Unannounced CGP Compliance Inspection
  
- Announced CGP Compliance Inspection

## Announced CGP Inspection

Due to:

- Rain Events
- Size of construction site
  - Greater than 5 acres
- Near a impaired or outstanding waters of the U.S.
- On-going construction
- Previous violations

## Unannounced CGP Inspection

Due to:

- Rain Events
- Response to a Complaint



# Announced Inspection



# Pre-Inspection

Verify the information provided on  
the Notice of Intent (NOI)

## ADEQ Inspector

- Make contact with site “Responsible Party” (RP)
- Arrange a date for inspection
- Send out inspection checklist

## Responsible Party

- Have a knowledgeable person available familiar with the SWPPP requirements
- Review checklist
- Review CGP and requirements
- Check site's BMPs
- Review any documents sent by ADEQ

# Inspection Rights Form



ARS § 49-104 (B)(8)] Cites regulatory authority to perform inspection  
Provides the facility with its rights during an inspection

# Inspection Rights Form



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY  
NOTICE OF INSPECTION RIGHTS

FACILITY INFORMATION	ADEQ INFORMATION
Facility Name (Customer): _____	Date of Inspection: _____
Facility Location (Place): _____	County: _____
	Inspector: _____
Mailing Address: _____	Telephone: _____
	Accompanied by: _____
Responsible Party: _____	
On-Site Representative: _____	ADEQ Follow-up Contact: _____
Telephone: _____	
Title: _____	Title: _____
Telephone: _____	Telephone: _____

The ADEQ representative(s) identified above were present at the above address on the above listed date and time. Upon entry to the premises, the ADEQ representative(s) met with me, presented photo identification indicating that they are ADEQ employees and explained:

That the purpose of the inspection is to determine:

- Compliance with Title 49 of the Arizona Revised Statutes, Title 18 of the Arizona Administrative Code\* and/or:  
Arizona Revised Statutes: Title \_\_\_\_\_, Chapter \_\_\_\_\_, Article \_\_\_\_\_  
Arizona Administrative Code: Title \_\_\_\_\_, Chapter \_\_\_\_\_, Article \_\_\_\_\_  
Permit/Agreement Number: \_\_\_\_\_
- Qualification for a license issued pursuant to:  
Arizona Revised Statutes: § \_\_\_\_\_  
Arizona Administrative Code: R. \_\_\_\_\_
- That this inspection is conducted pursuant to the authority granted in Arizona Revised Statutes § 49-104(B)(8) and/or:  
Arizona Revised Statutes: § \_\_\_\_\_  
Arizona Administrative Code: R. \_\_\_\_\_  
Permit/Agreement Number: \_\_\_\_\_

That the fee for this inspection is: \_\_\_\_\_

\*The Arizona Revised Statutes (A.R.S.) can be found on the internet: [www.azleg.state.ar.us/ArizonaRevisedStatutes.asp](http://www.azleg.state.ar.us/ArizonaRevisedStatutes.asp) while the Arizona Administrative Code (A.A.C.) can be found at [www.azmar.gov/public\\_services/Table\\_of\\_Contents.htm](http://www.azmar.gov/public_services/Table_of_Contents.htm)

While I have the right to refuse to sign this form, the ADEQ representatives may still proceed with the inspection  
 I have read both sides of this notice and discussed any questions or concerns with the ADEQ representatives.

Signature of Regulated Person or Authorized On-Site Representative \_\_\_\_\_ Date \_\_\_\_\_  
 The regulated person or authorized on-site representative refused to sign.

Name of Regulated Person or Authorized On-Site Representative \_\_\_\_\_ Title \_\_\_\_\_  
 The regulated person or an authorized on-site representative was not present at the facility.

Signature of ADEQ Representative \_\_\_\_\_ Date \_\_\_\_\_

INSPECTION RIGHTS
<input type="checkbox"/> I understand that I can accompany the ADEQ representative(s) on the premises, except during confidential interviews.
<input type="checkbox"/> I understand that I have right to: <ul style="list-style-type: none"> <li>➤ Copies of any original documents taken during the inspection, and that ADEQ will provide copies of those documents at ADEQ's expense.</li> <li>➤ A split of any samples taken during the inspection, if the split of the samples would not prohibit an analysis from being conducted or render an analysis inconclusive.</li> <li>➤ Copies of any analysis performed on samples taken during the inspection and that ADEQ would provide copies of this analysis at ADEQ's expense.</li> </ul>
<input type="checkbox"/> I also understand that: <ul style="list-style-type: none"> <li>➤ Each person interviewed during the inspection must be informed that statements made by the person may be included in the inspection report.</li> <li>➤ Each person whose conversation is tape recorded during the inspection must be informed that the conversation is being tape recorded.</li> <li>➤ If an administrative order is issued or a permit decision is made based on the results of the inspection, I have the right to appeal that administrative order or permit decision. I understand that my administrative hearing rights are set forth in Arizona Revised Statutes § 41-1092 <i>et seq.</i> and my rights relating to an appeal of a final agency decision are found in Arizona Revised Statutes § 12901 <i>et seq.</i></li> <li>➤ If I have any questions or concerns about this inspection, I may contact the person listed as the ADEQ Follow-up Contact on the front of this form; ADEQ's Ombudsman at (602) 771-4881 toll free inside Arizona at (800) 234-5677, extension, 771-4881; or the Arizona Ombudsman-Citizens' Aid office at (602) 277-7292 toll free at (800) 872-2879.</li> <li>➤ If I have any questions concerning my rights to appeal an administrative order or permit decision, I may contact ADEQ's Office of Special Counsel at (602) 771-2212 (toll free inside Arizona at (800) 234-5677, extension 771-2212).</li> </ul>

# Site Inspection

At the beginning of the inspection, the inspector will:

- Present photo ID and explain purpose of the inspection
- Review the Notice of Inspection Rights with the responsible party (RP) (A.R.S 49-1009)
- Provide written notice of inspection rights and present for signature by the on site representative
- Provide the opportunity for an authorized individual to accompany them on the inspection

# Steps of the Inspection

- Site Walkthrough
  - Inspect site for implementation of BMPs
  - Look for evidence of unauthorized discharges
  
- Stormwater Pollution Prevention Plan (SWPPP)  
& Records Review
  
- Exit Debriefing
  - Discuss findings of the inspection

# Key Areas of Inspection Checklist

- The checklist is broken down into 8 sections
- Response given to the inspector are categorized as Yes, No, or Not Applicable





# Key Area of Inspection Checklist

Checklist covers during the CGP inspection:

1. Permit, Site, and RP's Information
2. Risk Assessment
3. Impaired or Outstanding Arizona Water
4. Site Inspection
5. Site Inactive
6. SWPPP
7. Corrective Actions
8. Observations and Comments

# CGP Inspection Checklist



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER QUALITY DIVISION  
ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM  
GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH  
CONSTRUCTION ACTIVITY (ACG2013-001) FIELD INSPECTION REPORT

CGP PERMIT INFORMATION		INSPECTOR	
AZCON		Inspector Name	
Inspection ID		Inspector Phone	
Inspection Date		Inspector email	@ AZDEQ.GOV
Weather			
FACILITY			
Facility Name			
Location			
Total Acreage	Disturbed	Operations	
RESPONSIBLE PARTY			
Name	Telephone/email		
Owner			
Mailing Address			
Operator			
Mailing Address			
<input type="checkbox"/> Potential deficiencies		<input type="checkbox"/> No further action will result from this inspection	
Signature of representative below documents recipient of this inspection report.			
Representative Signature _____			
Printed Name _____			
Note: Photographs taken during the inspection are available upon request.			

Revised August 2014



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY  
CONSTRUCTION GENERAL PERMIT (ACG2013-001)  
FIELD INSPECTION REPORT

PERMIT	Y	N	N/A		
Multiple operators on site					
Site specific SWPPP					
Site specific BMPs					
No exposure or discharge (site is lower than surrounding parcels)					
Municipal separate storm sewer system (MS4)					
Operator of the MS4?					
RISK ASSESSMENT					
Nearest receiving surface water: _____ Distance: _____					
Dry wells _____ Registration Numbers: _____					
Impaired or Outstanding Arizona Water (R10-11-112.G, R18-11-101.2B) (7.0)					
Required monitoring implemented (water within ¼ mile or project)					
Total Maximum Daily Load (TMDL) _____					
Sampling is conducted and reported to ADEQ on time					
Monitoring plan and records including copy of 305(b) / 303(d)					
Correct parameters were being measured (DMR 7.0)					
SITE INSPECTION		Photo	Y	N	N/A
Track-out prevention					
Permit number posted (AZCON)					
BMPs installed properly					
Perimeter was protected (BMPs, walls...)					
Storm drains were protected					
Retention basins meet 100-year, 2-hour storm event capacity					
Outfalls protected					
Good housekeeping - free of debris					
Lined and maintained washouts - batch plant pad					
Spill prevention, secondary containment (materials, fueling, chemicals...)					
SWPPP inspections _____ Last rain event (<.05") _____					
BMP maintenance required with rain event:					

Revised March 2014

# CGP Inspection Checklist



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY  
CONSTRUCTION GENERAL PERMIT (ACG-2013-001)  
FIELD INSPECTION REPORT

Sifts Inactive > 14 days (describe protection if not stabilized) (Sec 3.1.2, Appendix B)			
BMPs:			
Temporary Stabilization:			
Inspection frequency: _____		Completed: _____ (NOT 2.5)	
SWPPP (6.0)	Y	N	
Identification of storm water pollution prevention team			
Summary of pollutant sources			
Site map with name and location of BMPs			
Control measures to be used during construction activities			
Receiving waters listed			
Related Permits or requirements (404 permit, agencies receiving a copy of the NOI...)			
Updates and modifications listed			
Required notice to other operators			
Inspection report contains scope and components required by Permit (4.3-4.4)			
Follow up inspections conducted when deficiencies noted			
Past inspections available for review			
Copy of Notice of Intent (NOI)			
Copy of current permit (AZG2013-001)			
Signatory requirements			
CORRECTIVE ACTIONS	Y	N	N/A
Corrective actions made and documented within seven days			
OBSERVATIONS AND COMMENTS			
Facility representative must file Notice of Termination (NOT) to ADEQ upon completion of final stabilization. (2.5)			

# After the Inspection

- The inspection report will document inspector's findings
- Identify whether potential deficiencies exist
- Inspector will provide a inspection report to on-site RP either on a USB drive or via email

# Common Deficiencies

Was documentation available?

SWPPP Contents:

- Current contact information correct
- BMPs locations marked on site maps
- Routine Inspection completed
- Visual Assessments completed
- Corrections Actions completed



# Common Deficiencies

- Housekeeping
- Failure to post signage and AZCON number

Cont.

- Failure to prevent sediment discharges
  - Track out not maintained
  - Stockpiles not protected
  
- Failure to maintain concrete wash out areas

## Best Management Practices (BMPs):

- Improper BMPs used
- BMPs are installed incorrectly
- Stormwater control were never installed
- Perimeter not protected
- Failure to protect storm drain inlets and drywells





# Control Measure

- Facilities must select, design, install, & implement SW control measures to minimize pollutant discharges.
- In accordance with good engineering practices & manufacturer's specifications

# Corrective Action Required

**Inlet protection**



**Sediment & debris buildup**



# Correction Action Required

**Lack of inlet protection**



**Concrete wash out not being  
maintained**



# Corrective Action Required

## Sediment control



## Inactive stockpiles





# Lack of Adequate BMPs - Sediment Control



# Lack of Adequate BMPs - Sediment Control







# Adequate BMPs - Sediment Control







# Adequate BMPs





# Adequate BMPs – Run-off Control





# Adequate BMPs – Final Stabilization







## Construction Entrances

Pad of gravel over filter cloth where construction traffic leaves a site

# Concrete Washouts



# Housekeeping



# Portable Toilets



## What is Wrong with this Picture?



## What is Wrong with this Picture?



# KEY POINTS

- ❑ Stormwater controls that need modification or replaced to correct the condition required corrective action
  
- ❑ After a rain event the SWPPP team should check and performed maintenance on all BMPs the require maintenance attention either due to damage or found ineffective

## Types of Enforcement Actions

- Minor Violations
  - Major Violation
  
- Formal Enforcement



## Minor Enforcement Actions

Issues a Notice of Opportunity to Correct  
(NOC) Deficiencies

# Minor Enforcement Actions

Cont.

- Informal compliance assurance tool
- Non-significant violations
- Opportunity to resolve deficiencies within a specified time frame

# Field Issued NOC



Douglas A. Ducey  
Governor

ARIZONA DEPARTMENT  
OF  
ENVIRONMENTAL QUALITY

1110 Washington Street • Phoenix, AZ 85007 (602) 771-2900

400 West Congress Street, Suite 433, Tucson, AZ 85701 (520) 625-6763



Henry R. Daniels  
Director

Facility ID _____	<b>ADEQ Contact Information</b>
Facility Name _____	
Street Address _____	Inspector _____
City _____ Zip _____	Address _____
Inspection # _____	E-Mail Address _____ @AZDEQ.GOV
	Phone Number _____

**NOTICE OF OPPORTUNITY TO CORRECT DEFICIENCIES**

The Arizona Department of Environmental Quality (ADEQ) has reason to believe that the above referenced facility has failed to meet a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit/license, as listed below.

The purpose of this document is to provide notice that ADEQ believes a violation of an environmental requirement has occurred. Additionally, it provides opportunity to: (1) request a meeting with ADEQ and discuss the facts surrounding the violation; (2) demonstrate to ADEQ that no violations have occurred; or (3) document that the violations have been corrected.

	Legal Requirement	Nature of Alleged Deficiency	Report Page
1	<input type="checkbox"/> General Permit for Stormwater Discharges Associated with Construction Activity (CGP) 3.1.1	Failure to design, install, and maintain effective erosion and sediment controls to minimize the discharge of pollutants.	2
2	<input type="checkbox"/> CGP Section 3.1.2.1	Failure to comply with temporary stabilization requirements to minimize the discharge of pollutants.	2
3	<input type="checkbox"/> CGP Section 3.1.2.2	Failure to comply with final stabilization requirements to minimize the discharge of pollutants.	2
4	<input type="checkbox"/> CGP Section 3.1.3.1	Failure to minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters.	2
5	<input type="checkbox"/> CGP Section 3.1.3.2	Failure to minimize tracking of sediments, debris, and other pollutants from vehicles and equipment leaving the site.	2
6	<input type="checkbox"/> CGP Section 3.1.3.3	Failure to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater.	2
7	<input type="checkbox"/> CGP Section 3.1.3.4	Failure to develop and implement a plan for the timely and effective clean up of spills.	2
8	<input type="checkbox"/> CGP Section 4.2	Failure to conduct routine site inspections in accordance with one of the schedules listed in Section 4.2 of the permit.	3

9	<input type="checkbox"/> CGP Section 4.4	Failure to document the facility inspections including the documentation outlined in Section 4.4 of the permit.	2
10	<input type="checkbox"/> CGP Section 6	Failure to prepare a Stormwater Pollutant Prevention Plan (SWPPP) containing the minimum requirements outlined in Section 6 of the Permit.	2
11	<input type="checkbox"/> CGP Section 6.7.1	Failure to post the authorization number(s) in a conspicuous location near the main entrance of the site and retain a copy of the authorization numbers in the SWPPP.	2
12	<input type="checkbox"/> CGP Section 6.7.2 and 6.7.3	Failure to make the SWPPP available to the Department at the time of the on-site inspection.	2
13	<input type="checkbox"/> CGP Section 7.2.7	Failure of an operator with construction projects located within 1/4 mile of an impaired or outstanding Arizona water to submit stormwater monitoring results.	2

Compliance conditions:

**To Establish Compliance**

Within \_\_\_\_\_ calendar days of the date of this Notice, please submit documentation to the ADEQ contact above demonstrating that no violation has occurred or documentation that the alleged deficiency has been corrected. Acceptable documentation includes, but is not limited to photographs, receipts, standard operating procedures, and/or relevant logs.

Once ADEQ has received the requested documentation, the case will be closed and a letter will be issued stating that the agency will take no further action as a result of this inspection.

**Statement of Consequences**

The time frames within this Notice for achieving and documenting compliance for the violations alleged are firm limits. Failure to achieve or document compliance within the time frames established in this Notice may result in ADEQ taking further enforcement actions as authorized by law.

**Acknowledgment of Receipt**

ADEQ Representative: (Print Name)	
Signature of ADEQ Representative:	Date:
Site Representative: (Print Name)	
Signature of On-Site Representative:	Date:

## Major Enforcement Actions

Notice of Violation (NOV)

Cont.

- Informal compliance assurance tool
- Opportunity to meet or to demonstrate no violation occurred or correct
- Reservation of rights to seek penalty
- ADEQ may allow a designated time frame to correct the violation

## Formal Enforcement Actions

- Administrative Orders
  
- Consent Order
  
- Compliance Orders

## Consent Orders

- Issued after negotiation with RP
- Consent Orders are not appealable agency action because the facility agrees to the Order

## Compliance Order

- May be issued when ADEQ is unsuccessful in negotiating Consent Order
- Appealable agency action



## Civil Penalties

- Penalty non-compliance exists ADEQ may seek penalties
- Up to \$25,000 per day violation
- Can seek injunctive relief to resolve violation

# KEY POINTS

- CGP compliance inspection will evaluate:
  - The type of control measures
  - Additional controls required
  - Repairs or other maintenance
  - Corrective action required
  - Stabilization
  - Is the SWPPP up to date

## **ADEQ Stormwater Permits**

Christopher Henninger (602) 771- 4508

[Henninger.Christopher@azdeq.gov](mailto:Henninger.Christopher@azdeq.gov)

## **ADEQ Water Quality Inspections & Compliance Unit**

Jennifer Peterson (602) 771- 4253

[Peterson.Jennfier@azdeq.gov](mailto:Peterson.Jennfier@azdeq.gov)

Kristie Chavero (602) 771- 4575

[Chavero.Kristie@azdeq.gov](mailto:Chavero.Kristie@azdeq.gov)

# Useful Websites

## ADEQ websites:

### **CGP Permit:**

[www.azdeq.gov](http://www.azdeq.gov)

### **Construction General Permit (CGP) Water Quality Permitting Webpage:**

<http://www.azdeq.gov/environ/water/permits/cgp.html>

### **CGP Common Questions & Answers:**

[http://www.azdeq.gov/environ/water/permits/download/cgpfaq\\_2013.pdf](http://www.azdeq.gov/environ/water/permits/download/cgpfaq_2013.pdf)

# Questions ?

