

US EPA ARCHIVE DOCUMENT

Appendix C
EXHIBIT LOG

City of Mesa, AZ - Municipal Separate Storm Sewer System (MS4)
(Permit No. AZS000004) Exhibit Log
Evaluated by: Scott Coulson (PG Environmental, LLC)

Table with columns: Subject, Incident Address, Incident Summary, Address, Responsible Party, Compliance, Complaint, Referred By. Includes handwritten notes and redaction boxes.

Exhibit 1a - Excerpt from the City's complaints database showing page 1 of a query prepared by Environmental Programs staff

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Complaint Number	Address	Complaint Description	Company	Responsible Party	Address	Responsible Party	Company	Complaint Status	Complaint Date
1912-000001	1912-000001	...	...	...	...	...	...	...	...
1912-000002	1912-000002	...	...	...	...	...	...	...	...
1912-000003	1912-000003	...	...	...	...	...	...	...	...
1912-000004	1912-000004	...	...	...	...	...	...	...	...
1912-000005	1912-000005	...	...	...	...	...	...	...	...
1912-000006	1912-000006	...	...	...	...	...	...	...	...
1912-000007	1912-000007	...	...	...	...	...	...	...	...
1912-000008	1912-000008	...	...	...	...	...	...	...	...
1912-000009	1912-000009	...	...	...	...	...	...	...	...
1912-000010	1912-000010	...	...	...	...	...	...	...	...
1912-000011	1912-000011	...	...	...	...	...	...	...	...
1912-000012	1912-000012	...	...	...	...	...	...	...	...
1912-000013	1912-000013	...	...	...	...	...	...	...	...
1912-000014	1912-000014	...	...	...	...	...	...	...	...
1912-000015	1912-000015	...	...	...	...	...	...	...	...
1912-000016	1912-000016	...	...	...	...	...	...	...	...
1912-000017	1912-000017	...	...	...	...	...	...	...	...
1912-000018	1912-000018	...	...	...	...	...	...	...	...
1912-000019	1912-000019	...	...	...	...	...	...	...	...
1912-000020	1912-000020	...	...	...	...	...	...	...	...
1912-000021	1912-000021	...	...	...	...	...	...	...	...
1912-000022	1912-000022	...	...	...	...	...	...	...	...
1912-000023	1912-000023	...	...	...	...	...	...	...	...
1912-000024	1912-000024	...	...	...	...	...	...	...	...
1912-000025	1912-000025	...	...	...	...	...	...	...	...
1912-000026	1912-000026	...	...	...	...	...	...	...	...
1912-000027	1912-000027	...	...	...	...	...	...	...	...
1912-000028	1912-000028	...	...	...	...	...	...	...	...
1912-000029	1912-000029	...	...	...	...	...	...	...	...
1912-000030	1912-000030	...	...	...	...	...	...	...	...
1912-000031	1912-000031	...	...	...	...	...	...	...	...
1912-000032	1912-000032	...	...	...	...	...	...	...	...
1912-000033	1912-000033	...	...	...	...	...	...	...	...
1912-000034	1912-000034	...	...	...	...	...	...	...	...
1912-000035	1912-000035	...	...	...	...	...	...	...	...
1912-000036	1912-000036	...	...	...	...	...	...	...	...
1912-000037	1912-000037	...	...	...	...	...	...	...	...
1912-000038	1912-000038	...	...	...	...	...	...	...	...
1912-000039	1912-000039	...	...	...	...	...	...	...	...
1912-000040	1912-000040	...	...	...	...	...	...	...	...
1912-000041	1912-000041	...	...	...	...	...	...	...	...
1912-000042	1912-000042	...	...	...	...	...	...	...	...
1912-000043	1912-000043	...	...	...	...	...	...	...	...
1912-000044	1912-000044	...	...	...	...	...	...	...	...
1912-000045	1912-000045	...	...	...	...	...	...	...	...
1912-000046	1912-000046	...	...	...	...	...	...	...	...
1912-000047	1912-000047	...	...	...	...	...	...	...	...
1912-000048	1912-000048	...	...	...	...	...	...	...	...
1912-000049	1912-000049	...	...	...	...	...	...	...	...
1912-000050	1912-000050	...	...	...	...	...	...	...	...

Exhibit 1c – Excerpt from the City’s complaints database showing page 3 of a query prepared by Environmental Programs staff

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TABLE 4-4

STORM WATER MANAGEMENT PLAN
(Construction Sites)

REQUIREMENT	ACTIONS
Description of procedures for site planning which incorporate consideration of potential water quality impacts.	The City has developed an information packet which is issued to developers during their planning stages. This information packet describes compliance requirements for erosion control and storm water pollution reduction.
Description of requirements for structural and non-structural best management practices.	<p>All development is required to retain storm water runoff from a 100-year 2-hour storm. This will retain 99 percent of all stormwater falling on the site.</p> <p>The City has worked with the Flood Control District of Maricopa County and developed a manual titled "Best Management Practices and Erosion Control Manual for Maricopa County Arizona". This manual is available to all Contractors and lists numerous BMP's used on construction sites.</p>

Exhibit 2 – The City’s Part II Application, Table 4.4, description of BMP requirements, states that the City has worked with the Flood Control District to develop a BMP manual

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8-5-2

8-5-3

- (g) Pumped groundwater containing no pollutants. (2774/Reso. 6528)
- (h) Foundation and footing drains. (2774/Reso. 6528)
- (i) Water from crawl space pumps. (2774/Reso. 6528)
- (j) Air conditioning, dehumidification and evaporative cooler runoff. (2774/Reso. 6528)
- (k) Natural springs. (2774/Reso. 6528)
- (l) Individual residential car washing. (2774/Reso. 6528)
- (m) Flows from riparian habitats and wetlands, as those areas are designated under applicable federal and state laws. (2774/Reso. 6528)
- (n) Dedicatated swimming pool discharges. (2774/Reso. 6528)
- (o) Flows resulting from fire fighting activities. (2774/Reso. 6528)
- (p) Industrial central cooling. (2774/Reso. 6528)
- (D) No person shall cause a discharge, directly or indirectly, to the City storm sewer system which is exempted under Subsection (C) of this Section if the City Engineer identifies and provides written notice to the person that the discharge from such person has the potential to be a source of pollutants to waters of the United States. (2774/Reso. 6528)
- (E) No person shall discharge, directly or indirectly, to the City storm sewer system where such discharge would result in or contribute to a violation of the NPDES Storm Water Permit issued to the City, or otherwise separately considered or when combined with other discharges. Liability for any such discharge shall be the responsibility of the person causing or responsible for the discharge, and the person shall defend, indemnify, and hold harmless the City of all administrative or judicial enforcement actions relating to such discharge. (2774/Reso. 6528)
- (F) No person shall establish, use, maintain, or continue any direct or indirect connection to the City's storm sewer system which has the potential to result in a violation of this Section. This prohibition is retroactive and shall apply to connections made in the past, regardless of whether they were made under a permit or other authorization or whether they were permissible under the law or practices applicable or prevailing at the time of the connection. (2774/Reso. 6528)

8-5-3: REDUCTION OF POLLUTANTS IN STORM WATER:

(A) All persons owning or operating facilities or engaged in activities which may or may reasonably be expected to result in pollutants entering the City storm sewer system, either directly or indirectly, shall undertake all practicable best management practices identified by the City Engineer to minimize such pollutants. Such measures shall include the requirements imposed by all of the following: (2774/Reso. 6528)

1. This Section. (2774/Reso. 6528)
2. The applicable NPDES Storm Water Permits; and (2774/Reso. 6528)

Exhibit 3a – The City storm water ordinance grants the City with broad authority to regulate both the actual discharge and the potential to discharge pollutants to the City MS4

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8-5-1

8-5-4

- J. Any written guidelines which may be developed or referenced for general use by the City Engineer. (2774 Reso. 6528)
- (D) No person shall throw, deposit, save, use, store, keep, or permit to be thrown, deposited, left, maintained, or kept, except in appropriate containers or in lawfully established dumping grounds, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, and accumulations in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit, or other drainage structure, business place, or upon any public or private lot of land in the City so that the same becomes or could reasonably be expected to become a nuisance. (2774 Reso. 6528)
- (E) Persons owning or operating a parking lot, gas station parking, storage, and loading areas, or similar premises which are exposed to rainfall shall clean those premises in a frequent and thorough manner so that storm water from such premises does not cause or contribute to a violation of Section 8-5-2. (2774 Reso. 6528)
- (D) Any person performing construction shall use all practicable best management practices identified by the City Engineer to minimize pollutants and sediment from leaving the construction site. At a minimum, the person shall do both of the following: (2774 Reso. 6528)
- 1. Not cause or contribute to a violation of Sections 8-5-2; and (2774 Reso. 6528)
 - 2. Comply with any written guidelines which may be developed or referenced for general use by the City Engineer. (2774 Reso. 6528)
- (E) Persons causing discharges who are required to submit to EPA a notice of intent to comply with an NPDES Storm Water Permit shall provide a copy of such notice to the City Engineer prior to beginning the construction or operation of an industrial activity which would cause the discharge. (2774 Reso. 6528)

8-5-4: INSPECTIONS AND MONITORING:

- (A) Upon presentation of credentials and all necessary fees, all authorized employees of the City shall have free access to all premises and to all records pertaining to those premises for purposes of ensuring compliance with this Chapter. Inspection, copying, sampling, photographing, and other activities conducted on the premises shall be limited to those which are reasonably needed by the City in determining compliance with the requirements of this Chapter and all applicable NPDES Storm Water Permit conditions. All persons shall allow such activities under safe and non-hazardous conditions with a minimum of delay. (2774 Reso. 6528)
- (B) In addition to those activities described in Subsection (A) of this Section, authorized City employees shall engage in monitoring necessary to ensure compliance with this Chapter and all applicable NPDES Storm Water Permit conditions. At the City's expense, the City Engineer may establish on premises such devices as the City Engineer reasonably determines are necessary to conduct sampling or metering operations. Such devices shall be installed so as to minimize the impact on the owner and occupant of the premises. During all inspections as provided in Subsection (A) of this Section, a City employee may take any samples necessary to suit the purpose of the inquiry or in the recordation of the activities on the premises. (2774 Reso. 6528)
- (C) The City Engineer may order any person engaged in any activity or owning or operating on any premises which may cause or contribute to discharges of storm water in violation of this Chapter or any applicable NPDES Storm Water Permit condition to undertake such monitoring activities and analyses and furnish such reports as the City Engineer reasonably may specify. The costs of such activities, analyses, and reports shall be borne by the recipient of the outlet. (2774 Reso. 6528)

Exhibit 3b – Section 8-5-3 (D) of the City storm water ordinance also pertains to the regulation of construction activities

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6.0 ENFORCEMENT

6.1 PRIVATE PROJECTS – DUST CONTROL

6.1.1 Voluntary Compliance

The City has legal authority under the Particulate Pollution Sources ordinance to enforce compliance for violations and to pursue civil or criminal actions for non-compliance with the ordinance. However, the City only uses this authority when all other options have failed.

The City prefers to operate under a voluntary compliance program. Written notification of required actions is usually provided with the City of Mesa Environmental Compliance Review form (Appendix G). However, if a violation identified in an initial inspection remains unaddressed the City may take additional measures to compel compliance.

6.1.2 Permit Violation Referrals

For construction site operations that do not meet voluntary compliance schedules, and the violation is a violation of the City code and the rules established by the MCAQD, the City refers these violations to the MCAQD. This allows for a higher level of enforcement without placing the violator in "double-jeopardy" of enforcement actions from both the City and the MCAQD.

6.1.3 Legal Action by the City

For construction site operations that do not meet voluntary compliance schedules and/or the violation may cause an immediate hazard to the public, legal action may be taken by the City Attorney's office. The EPD Administrator is responsible for reporting these violations with approval from the Director of the Development Services Department.

6.2 PRIVATE PROJECTS – STORM WATER

6.2.1 Voluntary Compliance

The City has legal authority under the Storm Water Pollution Control ordinance to enforce compliance for violations and to pursue civil or criminal actions for non-compliance with the ordinance. However, the City only uses this authority when all other options have failed.

Exhibit 4a – The City Construction Site SOP, Section 6.2.1, states that the “City only uses this [enforcement] authority when all other options have failed”

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The City prefers to operate under a voluntary compliance program. Written notification of required actions is usually provided with the City of Mesa Environmental Compliance Review form (Appendix G). However, if a violation identified in an initial inspection remains unaddressed the City may take additional measures to compel compliance.

6.2.2 Permit Violations

For construction site operations that do not meet voluntary compliance schedules, and the violation is a violation of the City code and the requirements set forth in the CGP, the City refers these violations to the ADEQ. This allows for a higher level of enforcement without placing the violator in "double-jeopardy" of enforcement actions from both the City and the ADEQ.

6.2.3 Legal Action by the City

For construction site operations that do not meet voluntary compliance schedules, and/or the violation may cause an immediate hazard to the public; legal action may be taken by the City Attorney's office. The EPD Administrator is responsible for reporting these violations with approval from the Director of the Development Services Department.

6.3 CITY PROJECTS

Enforcement of violations with dust control or storm water from city construction site projects is the responsibility of EPD. EPD may issue a **stop work order** at any time to prevent further pollutant discharges to either the air or storm system (City's MS4 or those owned and operated by others). However, the EPD inspector must coordinate with the Engineering Construction division's construction inspector and Chief Inspector prior to issuing a stop work order.

Exhibit 4b – The City Construction Site SOP, Section 6.2.1, states that the “The City prefers to operate under a voluntary compliance program”

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City of Mesa

2006/2007 Storm Water Annual Report

Summary of Enforcement Actions, Inspections and Public Education

Environmental Programs is responsible for coordinating the City's storm water program. Various elements of the program require enforcement, inspection and/or public education. This section is a summary of those actions.

During the 2006/2007 reporting year no formal enforcement actions were taken by the City. Environmental Programs was able to work cooperatively with responsible parties to remedy identified pollutant source problems.

Environmental Programs performs inspections of both construction sites and industrial facilities as required in BMPs 14 and 15. Table F-1 lists the industrial inspections that were conducted from July 1, 2006 through June 30, 2007.

Sediment is the primary pollutant of concern at construction sites. Therefore, dust and storm water inspections are typically performed simultaneously. Twenty-eight construction sites were inspected from July 1, 2006 through June 30, 2007.

Many of the construction inspections are conducted in response to dust or track-out complaints. Some sites are immediately referred to Maricopa County for investigation and enforcement. Construction inspection reports for the 2006/2007 reporting period are available upon request.

Table F-2 summarizes the public education that has taken place during the 2006/2007 reporting year.

Table F-1
Summary of Industrial Inspections

Company	SIC	Street	Inspection Date
Able Steel Fabricators	3441	4150 East Quartz Circle	06/17/07
American Metals Co., Inc.	5093	740 West Broadway Road	06/13/07
Door Mill, The	2431	440 E. Juanita	04/27/07
International Recycler EPI Services	3612	550 W. Juanita Ave.	01/25/07
Mark's Valley Grading	4953	2425 N. Center Street	06/14/07
P&H Mine Pro	3532	112 W. Iron	06/15/07
Trans-Matic Manufacturing Co.	3469	4250 East Oasis Street	06/13/07
Vyne Powder Coating	3479	2452 W. Birchwood, Suite 113	06/13/07

F-1

Exhibit 5 – The City Annual Report 2006–2007), page F-1, states that “during the 2006/2007 reporting year no formal enforcement actions were taken by the City. Environmental Programs was able to work cooperatively with responsible parties to remedy identified pollutant source problems”