# Appendix C EXHIBIT LOG

Evaluated by: Scott Coulson (PG Environmental, LLC)

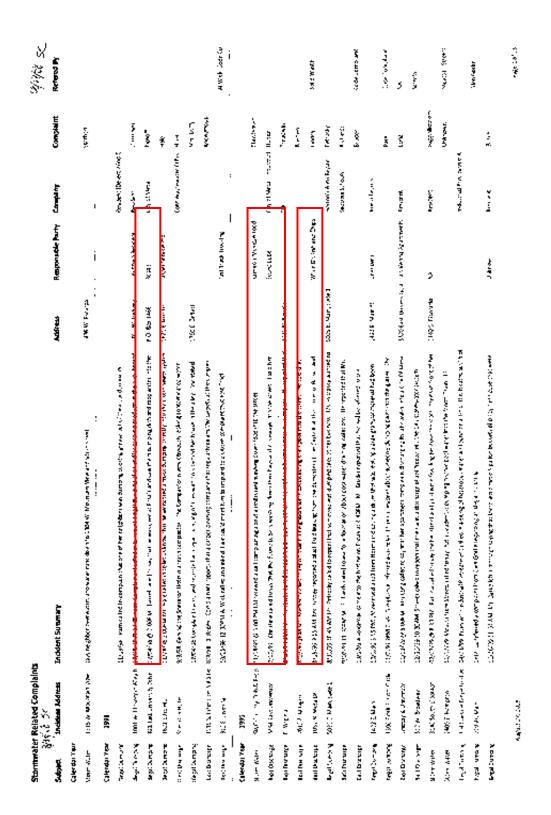


Exhibit 1a – Excerpt from the City's complaints database showing page 1 of a query prepared by Environmental Programs staff

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Evaluated by: Scott Coulson (PG Environmental, LLC)

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Exhibit 1b – Excerpt from the City's complaints database showing page 2 of a query prepared by Environmental Programs staff

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Evaluated by: Scott Coulson (PG Environmental, LLC)

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

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Evaluated by: Scott Coulson (PG Environmental, LLC)

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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Evaluated by: Scott Coulson (PG Environmental, LLC)

8-5-2 X 5 3 (g) Pumped groundwater containing no pathicants. (2774. Resp. 6828) (b) Fourtration and sociog digins, (2074-60-s), 652-5. (a) Water from crawl space pumps; (2774 Reso. 6528). (j) Air conditioning sandersation and exaperative coafer musil, (2774 Result 6528) (k) Nytoral springs, (2774/Reso, 5528) Individual residential car washing, (2774/Resp., 6578) (iii) Flows from riporium habitats and well-aids, av Close areas are designated under applicable federal and Auto lows, (2774-Reso: 6125) (ii) Droblamouteð swimming pool discharges; (2774/Reso, 9528) (a) Ploves resulting from the lighting activities, or (2774 Reso. 6528). (n) Dust central watering (2774 Reso. 6528) (D) No person shall cause a discharge, depetly of indigetly, in the City storm sewer system which is exempted under Subsection (C) of this Secrima if the Cury Linguises identifies and provides writing people to the person that the discharge from such person has the potential to be a source of pollutions to waters of the limited States (2774 Resp. 6528). (E) Ne 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 systed to the City, extrer separately considered or when combined with other discharges, flushifting for any such discharge shall be the responsibility of the person causing or responsible for the discharge, and the person shall defend, inderently, and hold harmfest the Cuy of all administrative or pulseful enforcement actions relating to such discharge. (2774/Reso 4528). (F) No person Call establish, use, margain, or continue any direct or indirect connection to the City's storm server system which has the potential to testill of a violation of this Spotion. This prohibition is introductive and shall apply to connections made in the past, regardless of whether they were made tester a person or other notifier ristion or whether they were permissible under the law or practices applicable or greyalling at the time of the connection (2774/Reso, 6528). 8-5-3: REDUCTION OF POLLUTANTS IN STORM WATER: (A) All persons awrong or operating facilities or engaged to activities which (a) or may accomply by expected to result in pollutaris entering the City starm sewer system, either directly or indirectly, shall and make all traditions best management produces identified by the City Engancer to minimize such pollutaris. Such measures shall include the requirements imposed by all of the following: (2774/Reso, 6628) Time Section, (2774/Reset 6525).

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

2. The applicable NPDSS Storm Water Permits; and (2774 Reso, 6528)

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Evaluated by: Scott Coulson (PG Environmental, LLC)

8-5-) H-5-4

- Any written goodelines velocity pay by neveloped or referenced for general use by the City language. CCTA Resp. 6926.
- 4B) No person shall throw, deposit, cave, instituting keep, or period to be thrown, deposition, eff, magnituded, or kept, except in appropriate continues; or in lawfully established decaying grantist, any refuse, inbotsh, partiegs, or other distanced or distanced objects includes, and accumulations in a upon any street, alloy, ordewald, stoom drain, color, catch basin, condition or other distingly structures, business place, or upon my public or private lot of land in the City so that the same becomes or could resonably be expected to become a poliutant, (2774 Reise, 6528).
- (f) Persons owning or operating a porking log gas statutal packing, statuge, and fearling areas, or satural premises which are exposed to mental small clean those premises in a frequent and thorough matrix to that storm water form such premises does not exast or contribute to a volution of Section 8-5-7, (2774 Ress) 6028).
- (D) Any person performing construction that, use all practicable nest management practices attentified by the Crit Engineer to instituting patterners of sediment from leaving the construction site. All a management, the person shall do both of the following: (2774/Reso. 6528).
  - 1 Not cause or commission a violation of Section 8-5-2; and (2774/Reso, 0528)
- (2) Crosply with any written guidelines which may be developed or referenced for general use by the Crip Engineer, (27% Reso. 4528)
- (b) Persons causing cascharges who are required to saltimit to E.P.A. a notice of attent to comply with an NPOFS short. Water Permit shall provide a copy of such notice to the City Engineer after to beginning the construction of operation of an industrial websity which would cause the discharge (77.54 Reso, 6.228).

#### 8-5-4: INSPECTIONS AND MUNITORING:

- (A) Upon presentation of oredeatals and at all necessary beans, all on beautiff engalogies of the Days shall have free agests only premises and to all tensions personant to those premises for purposes of crossing compliance with this Chapter Texpectant, copying, templing, photographing, and other satisfies conducted on the premises shall be fromed to those which are reconcible to the fact of the City in determining coordinates with an organization. NPDES Storm Ware Propiles conducted. All persons shall allow such admitted so the contract does conductors with a numerical of delay (1774 Reso, 8528).
- (8) In addition to those artistics described in Subsection (A) of the Section, authorized City employees small engage or monitoring necessary to contain emploined with this Chapter and all applicable NPDES Storm. Water Permit conditions. At the City Experite, the City Engineer may establish on premise shock describes the City Engineer reasonable determines are necessary to conduct sampling or inciting eperations. See Sections of the installed of as formatione the impact on the owner of the permitses. During all inspections as provided in Subsection (A) in the Section, a City employee may take any samples necessary to and githe pursual or the inquiry or in the recordanion of the activities on the premises, (2714 Reso. 6528).
- (C) The City linguiseer may order any person engaged in any activity or owning or operating of any premises which may cause or contribute to discharges of atomic water in critistion of the Cityptes or any applicable NPDES shows Water Person conduct to endertake such pointering acrosses and analyses and formula such reports as the City Engineer reasonably may specify. The crisis of such acrossing, analyses, and reports shall be barter by the recipient of the other 12724 ResourceSo;

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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Evaluated by: Scott Coulson (PG Environmental, LLC)

#### 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 profess to operate under a voluntary compliance program. Written notification of required actions is usually provided with the City of Meas 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 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.

City of Mesa, Construction Site Inspection Standard Operating Procedures

Page 6-1

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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Evaluated by: Scott Coulson (PG Environmental, LLC)

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

Oxy of Mosal, Construction Site Inspection Standard Operating Procedures

Page 6-2

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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Evaluated by: Scott Coulson (PG Environmental, LLC)

C4y 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.

Ouring 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 5-1 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 Recifier EPI	3612	550 W. Juareta Ave.	01/25/07
Services			
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 Powdor Coating	3479	2452 W. Birtchwood,	06/13/07
		Suite 113	

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"

Evaluation Dates: August 25-27, 2008