Appendix C
EXHIBIT LOG
Exhibit 1b – Excerpt from the City’s complaints database showing page 2 of a query prepared by Environmental Programs staff.
Exhibit 1c – Excerpt from the City’s complaints database showing page 3 of a query prepared by Environmental Programs staff
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
(D) No person shall cause a discharge, directly or indirectly, in the City storm sewer system which is regulated under subsection (C) of this Section of the City ordinance that is visible to the public that the discharge from such person has the potential to be a source of pollutants or wastes of the United States (2774 Rev. 6526).

(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 NPS Storm Water Permit issued to the City, except where specifically allowed by the City Engineer. Such discharges shall be regulated as a discharge of pollutants under the laws applicable to the discharge of pollutants to the City storm sewer system (2774 Rev. 6526).

(F) No person shall establish, use, operate, or maintain any direct or indirect connection to the City storm sewer system which has the potential to result in a violation of this Section. The prohibition is not 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 permitted under the laws or practices applicable or prevailing at that time of the connection (2774 Rev. 6526).

1-5-3: REDUCTION OF POLLUTANTS IN STORM WATER:

All persons owning or operating land or who engage in activities which may reasonably be expected to result in pollutants entering the City storm sewer system, either directly or indirectly, shall implement all applicable 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 Rev. 6526)

1. Tox. Section, (2774 Rev. 6526)
2. The applicable NPS Storm Water Permit, and (2774 Rev. 6526)

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.
Exhibit 3b – Section 8-5-3 (D) of the City storm water ordinance also pertains to the regulation of construction activities
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”
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 for 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 those 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”
City of Mesa, AZ - Municipal Separate Storm Sewer System (MS4)
(Permit No. AZS000004) Exhibit Log
Evaluated by: Scott Coulson (PG Environmental, LLC)

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>
<thead>
<tr>
<th>Company</th>
<th>SIC</th>
<th>Street</th>
<th>Inspection Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Able Steel Fabricators</td>
<td>3441</td>
<td>4150 East Quartz Circle</td>
<td>06/17/07</td>
</tr>
<tr>
<td>American Metals Co., Inc.</td>
<td>5093</td>
<td>740 West Broadway Road</td>
<td>06/19/07</td>
</tr>
<tr>
<td>Deer Mill, The</td>
<td>2431</td>
<td>440 E. Juanita</td>
<td>04/27/07</td>
</tr>
<tr>
<td>International Rectal EPI Services</td>
<td>3612</td>
<td>550 W. Juanita Ave.</td>
<td>01/25/07</td>
</tr>
<tr>
<td>Mark's Valley Grading</td>
<td>4953</td>
<td>2425 N. Center Street</td>
<td>06/14/07</td>
</tr>
<tr>
<td>P &amp; H Mine Proc</td>
<td>3522</td>
<td>112 W. Iron</td>
<td>06/15/07</td>
</tr>
<tr>
<td>Trans-Matic Manufacturing Co.</td>
<td>3469</td>
<td>4250 East Oasis Street</td>
<td>06/13/07</td>
</tr>
<tr>
<td>Vyne Powder Coating</td>
<td>3479</td>
<td>2452 W. Birchwood, Suite 113</td>
<td>06/13/07</td>
</tr>
</tbody>
</table>

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.”