MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) COMPLIANCE AUDIT

REPORT DATE: September 15, 2009
EVALUATION CONDUCTED: June 8–11, 2009

CITY OF SCOTTSDALE, ARIZONA

United States Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105-3901

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CONTENTS

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Section 1.0 Introduction

On June 8-11, 2009, the U.S. Environmental Protection Agency's (EPA's) contractor, PG Environmental, LLC, with assistance from the Arizona Department of Environmental Quality (ADEQ), (hereafter, collectively the EPA Inspection Team), conducted an inspection of the City of Scottsdale Municipal Separate Storm Sewer System (MS4) Program. Discharges from the City of Scottsdale MS4 are regulated under EPA National Pollutant Discharge Elimination System (NPDES) MS4 Permit Number AZS000020, issued August 25, 1999 (hereafter, the Permit). Accordingly, Title 40 of the *Code of Federal Regulations* (CFR), Part 122, Subpart B, Section 122.26(d) serves as a basis for the Permit (hereafter, 40 CFR Part 122.26(d)). The Permit is the first NPDES MS4 permit issued to the City of Scottsdale (hereafter, City or permittee).

The City of Scottsdale encompasses approximately 184 square miles of land, stretching 31 miles from north to south. The City is located in Maricopa County, northeast of Phoenix. It is bordered on the west by Paradise Valley, on the east by Fountain Hills, and on the south by Tempe. In 2008, the total population of Scottsdale was estimated to be 230,293 people.

The purpose of the inspection was to assess the City's compliance with the requirements of the Permit including the implementation status of the City's current Storm Water Management Program. The inspection schedule is presented in Appendix A.

Specifically, the inspection included an evaluation of the City's compliance with the Permit and 40 CFR Part 122.26, which includes requirements for the following program areas or elements:

40 CFR 122.26(d)(2)(iii)(D)	Monitoring
40 CFR 122.26(d)(2)(iv)(A)	Residential and Commercial Areas
40 CFR 122.26(d)(2)(iv)(B)	Illicit Connections and Illegal Dumping
40 CFR 122.26(d)(2)(iv)(C)	Municipal Landfills and Industrial Facilities
40 CFR 122.26(d)(2)(iv)(D)	Construction Sites

The EPA Inspection Team evaluated compliance through a series of interviews with representatives from the City's Municipal Services Division, Preservation and Environmental Office, Planning and Development Services, Water Resource Department, Public Works, Street Operations Division, and City contractors from Engineering and Environmental Consulting, Inc. (EEC); along with a series of site visits and field verification inspections. Sign-in sheets for the June 9-11, 2009 meeting and daily activities are presented in Appendix B, Exhibits 1 through 3. The primary representatives involved in the inspection were the following:

Municipal Services Representatives:	Ashley Couch, Stormwater Management Director Bill Erickson, Stormwater NPDES Coordinator Gebre Aberra, Stormwater Planner/NPDES Coordinator
Preservation and Environmental Office Representative:	Larry Person, Senior Environmental Coordinator
Planning and Development Services Representatives:	Ralph Noriega, Director of Inspection Services Brian Dick, Field Engineering Supervisor Phil Cipolla, Grading/Erosion Control Inspector
Capital Project Management Representative:	Annette Grove, Senior Project Management
Water Department Representative:	Bill Hurd, Pretreatment Coordinator
Public Works Representative:	Rod Ramos, Streets Director
Street Operations Division Representative:	Matt Ruckle, Maintenance Coordinator
Scottsdale Municipal Airport Representative:	Chris Read, Airport Operations Manager
City Consultant Representatives:	M. Lisa Spahr, EEC Senior Project Manager Rebecca Sydnor, EEC Staff Engineer John Burton, EEC Project Manager Gary Hoffman, EEC Geologist
ADEQ Representative:	Chris Henninger, Supervisor Pete Jagow, Compliance Inspector Phillip Martello, Storm Water/General Permit Unit Joanie Rhyner, Storm Water/General Permit Unit
EPA Contractors:	Scott Coulson, PG Environmental, LLC Luz Falcon-Martinez, PG Environmental, LLC

In addition, the EPA Inspection Team conducted 10 individual inspections of facilities located in the City and/or served by the City's MS4. Six of the facilities were construction sites where the owner or operator had obtained coverage under the Arizona Pollutant Discharge Elimination System (AZPDES) *General Permit for Discharge from Construction Activities to Waters of the United States*, Permit Number AZG2008-001

(hereafter, Construction General Permit). Four of the facilities were industrial sites where the owner or operator had obtained coverage under EPA NPDES *Storm Water Multi-Sector General Permit for Industrial Activities*, issued in October 2000 (hereafter, Industrial General Permit). The purposes of the Construction General Permit and Industrial General Permit inspections (collectively, General Permit Inspections) were (1) to assess the adequacy, appropriateness, and maintenance of best management practices (BMPs) employed by construction and industrial activities to prevent and reduce storm water pollution, and (2) to gauge the overall effectiveness of the City's construction and industrial oversight activities. The General Permit Inspections were conducted by two teams of inspectors with the participation of ADEQ personnel. Reports for the General Permit Inspections are provided in Appendix D.

Dry weather conditions were experienced throughout the inspection activities and program evaluation exercises. Weather history reports indicate no precipitation in the Scottsdale area for the week preceding the inspections or during the week following the inspections.

Section 2.0 Permit Compliance Review

The EPA Inspection Team conducted an evaluation of the City's MS4 Programs to assess their compliance with the requirements of the Permit. The Permit has an effective date of August 26, 1999, and expired August 31, 2002. On December 5, 2002, ADEQ was delegated primacy for the AZPDES program. The permit has been administratively continued and the City is awaiting permit reissuance by ADEQ.

The EPA Inspection Team identified several deficiencies (hereafter, inspection findings) regarding the City's compliance with the Permit. The presentation of inspection findings in this section of the report does not constitute a formal compliance determination or finding of violation. All referenced documentation used as supporting evidence is provided in Appendix B, and photo documentation is provided in Appendix C. For clarity, items that require the City's response are underlined while recommendations are presented in *italic*.

Section 2.1 MS4 Permit Area

40 CFR 122.26(d)(2)(iv) requires an MS4's Permit application to include a description of a proposed management program to control pollutants from the municipal separate storm sewer system. 40 CFR 122.26(d)(2)(iv) states "a proposed management program *covers the duration of the permit* [emphasis added]." Pursuant to 40 CFR 122.26(d)(2)(iv), the City submitted a Permit application to EPA Region 9 entitled *Part 2 NPDES Municipal Separate Storm Sewer Permit Application, City of Scottsdale, Arizona* dated October 26, 1998 (hereafter, City's 1998 Part 2 Application). The City's 1998 Part 2 Application, Section 4, Management Program (hereafter, City's 1998 SWMP Plan) presents the proposed management program for the MS4 Permit Area required under 40 CFR 122.26(d)(2)(iv).

2.1.1. Failure to Implement the Full Extent of the SWMP in a Portion of the MS4 Permit Area. The City currently considers its MS4 Permit Area to be limited to those areas of the City which are located south of the Central Arizona Project (CAP) Canal (see Exhibit 5). The EEC Senior Project Manager and City Stormwater NPDES Coordinator explained that all areas north of the CAP Canal ultimately discharge to the CAP Canal itself, and that the City does not consider the CAP Canal to qualify as a water of the United States. The EEC Senior Project Manager and City Stormwater NPDES Coordinator further explained that Indian Bend Wash is considered to be the primary water of the United States for Permit purposes.

However, the EPA Inspection Team reviewed the City's 1998 Part 2 Application and determined that it does not describe limitations on the MS4 Permit Area. For example, the City's 1998 Part 2 Application, Map Sheets 1 through 11 clearly identify drainage basins and outfalls which are located north of the CAP Canal. Furthermore, the City's 1998 SWMP Plan, Section 4.2.1, Review of Receiving Waters and Local Issues, contains a separate section describing the area north of the CAP Canal and makes no mention of

excluding this area from the SWMP. To the contrary, Section 4.2.1 of the City's 1998 SWMP Plan discusses build-out of the area north of the CAP Canal as established in the City's General Plan (land use plan), and refers the reader to Section 4.4.1 which "presents the City's vision for storm water management in new developments….Because Scottsdale is rapidly developing, the control of potential water quality impacts are closely tied to development BMPs." Section 4.4.1 of the City's 1998 SWMP Plan recognizes that "urbanization is a significant contributor to storm water pollution." Both of these statements infer the application of the City's New Development and Redevelopment Program in the area north of the CAP Canal. The following paragraphs present a chronology of how the City's view of the MS4 Permit Area has diverged from the description provided in the City's 1998 SWMP Plan.

While the City has not maintained records of any correspondence with EPA or ADEQ on this issue, a letter to the City dated November 2, 2004 (hereafter, 2004 ADEQ Clarification Letter) from ADEQ notified the City that the ephemeral washes located north of the CAP Canal are considered waters of the U.S. for purposes of application of state water quality standards and AZPDES permitting. The 2004 ADEQ Clarification Letter states "once a waterbody is considered a WUS [water of the U.S.], it retains that designation, so even if the CAP canal truncated some of the washes, they do not lose their regulatory status" (see Exhibit 6). Accordingly, a draft Permit re-application entitled *Draft Arizona Pollutant Discharge Elimination System Permit Reapplication, AZPDES Permit No. AZS000020, City of Scottsdale, Arizona* dated December 2004 (hereafter, City's 2004 Draft Permit Reapplication), Section 1.1, Permit Area, states "this Permit covers all areas within the corporate boundaries of the City of Scottsdale, Arizona served by, or otherwise contributing to discharges from, municipal separate storm sewer systems owned or operated by the permittee" (see Exhibit 7). In this manner, the City's 2004 Draft Permit Reapplication is consistent with the City's 1998 Part 2 Application, and specifies an MS4 Permit Area that is inclusive of all City areas, regardless of whether they are located north or south of the CAP Canal.

The 2004 ADEQ Clarification Letter further states "disturbances of these washes [ephemeral washes north of the CAP Canal] typically require a 404 permit from the Army Corps of Engineers because of their status as WUS [waters of the U.S.]." Accordingly, the City Stormwater NPDES Coordinator remembered two projects where the City or private project proponent obtained a 404 permit for projects located north of the CAP Canal. One private project was associated with the Fairmont Scottsdale Princess Resort Hotel at 7575 East Princess Drive. A second public project was associated with the City cleaning a drainage channel near the intersection of North 84th Street and East Cholla Street.

The first record of a distinction between areas located north or south of the CAP Canal is found in the *NPDES Annual Permit Report; July 1, 2005 through June 30, 2006; MS4 Permit #AZS000020* (hereafter, City's 2005 Annual Report) which was prepared by EEC. The City's 2005 Annual Report, Section 1.1 states "*the Permit* was issued by United States Environmental Protection Agency Region 9 after the City had submitted Part 1 and Part 2 of its NPDES applications and *applies only to those areas south of the Central*

Arizona Project Canal [emphasis added]" (see Exhibit 8). This statement appears to disregard the 2004 ADEQ Clarification Letter that notified the City that the ephemeral washes located north of the CAP Canal are considered waters of the U.S. for purposes of application of state water quality standards and AZPDES permitting.

Part I.A.3 of the Permit requires the City to "implement the storm water monitoring program described in the document described in Part I.F.12 of this permit [specifically including Section 3 of the City's 1998 Part 2 Application]." The City's 1998 Part 2 Application, Section 3.5 (hereafter, City's Monitoring Plan) presents a proposed monitoring program pursuant to 40 CFR 122.26(d)(2)(iii)(D). The EEC Senior Project Manager and City Stormwater NPDES Coordinator explained that the primary effect on the City's MS4 Program from the limitation of the MS4 Permit Area is that monitoring is not conducted in areas north of the CAP Canal. The City's 1998 Part 2 Application, Section 3.5.2.2, states "the five primary wet weather monitoring stations described in the Part 1 Application are retained for the proposed Permit term monitoring program….Also chosen are the two alternative or secondary sites described in the Part 1 Application in case any of the five primary stations are later found to be unsuitable for monitoring." It should be noted that none of the City's wet weather monitoring stations (as described in the Part 1 Application) are located north of the CAP Canal. However, the EEC Senior Project Manager and City Stormwater Management Director explained that, at one point, they had installed a monitoring station north of the CAP Canal, but unstable channel conditions caused it to be inundated and decommissioned.

Although the EEC Senior Project Manager and City Stormwater NPDES Coordinator explained that the primary effect on the City's MS4 Program from the limitation of the MS4 Permit Area is that monitoring is not conducted in areas north of the CAP Canal, the EPA Inspection Team determined that there are additional effects on the program, as explained below. Part I.A.2 of the Permit requires the City to "implement in its entirety the proposed storm water management program (SWMP) described in the documents described in Part I.F.11 of this permit [specifically including Section 4 of the City's 1998 Part 2 Application]." The City's 1998 SWMP Plan presents a management/pollution control program that includes the following program areas: (1) Residential, Commercial, Redevelopment, and New Development Areas, (2) Industrial Facilities, (3) Construction Sites, and (4) Illicit Discharge Identification and Elimination.

The Permit Appendix 1, Section B, Additional Field Screening Activities for Illicit Discharges requires the City to "implement an ongoing program to re-evaluate major outfalls for illicit discharges….as set forth at 40 CFR 122.26(d)(1)(iv)(D)." 40 CFR 122.26(d)(1)(iv)(D) requires field screening analysis be implemented for illicit connections and illegal dumping for major outfalls or other field screening points. During the past five years, the City has not conducted field screening analysis in areas located north of the CAP Canal. Records of the City's field screening analysis were provided for the past five years and document that outfall inspections were only conducted for those outfalls which discharge into Indian Bend Wash, all of which are located south of the CAP canal (see Exhibit 9). The City's 1998 SWMP Plan, Section 4.4.4, Illicit Discharge Identification and Elimination Program, makes no mention of

excluding the area located north of the CAP Canal or beyond the Indian Bend Wash, from the City's field screening activities. 40 CFR 122.26(d)(2)(iv) states "a proposed management program *covers the duration of the permit* [emphasis added]." The EPA Inspection Team determined that during the past five years, the City has not conducted field screening analysis in areas located north of the CAP Canal. The City must implement in its entirety, the City's 1998 SWMP Plan for the duration of the Permit to conduct field screening analysis for illicit connections and illegal dumping for major outfalls or other field screening points as required by the Permit Appendix 1, Section B and 40 CFR 122.26(d)(1)(iv)(D).

The City's MS4 program may also have been affected by the City's limitation of the MS4 permit area in additional ways. For example, a map of illicit discharge complaint investigations conducted by the City's Stormwater Management personnel does not depict the area located north of the CAP Canal (see Exhibit 10). The City Stormwater NPDES Coordinator stated that approximately 90 percent of all new development and construction is occurring in the area located north of the CAP Canal, yet it appears no complaint investigations occurred north of the CAP Canal. It should be noted that the EPA Inspection Team did not specifically request a map of the entire City, so this material may exist but was not furnished to the Team.

The City has an Industrial Pretreatment Program (IPP) and conducts IPP inspections of facilities for sanitary sewer system purposes. During the EPA Inspection, the City originally contended that its IPP inspections qualified as inspections for its Industrial Facilities Program. The City's IPP Significant Industrial Users List 2008 states "N. of the canal" as a handwritten note at one facility (see Exhibit 11). The EEC Senior Project Manager explained that the City had not conducted inspections of this facility because it is located north of the CAP Canal.

Based on this body of evidence, the EPA Inspection Team determined that the City has not fully implemented its SWMP as required by its Permit for the areas of the City located north of the CAP Canal. Part I.A.2 of the Permit requires the City to "implement in its entirety the proposed storm water management program." Because the City's SWMP Plan describes the area north of the CAP Canal and makes no mention of excluding this area from the SWMP, the City must implement in its entirety the City's 1998 SWMP Plan for the duration of the Permit.

Section 2.2 Industrial Facilities

Part I.C of the Permit requires the City to develop and implement a program to identify and control pollutants in storm water discharges from municipal landfill(s); hazardous waste treatment, storage, disposal and recovery facilities; industrial facilities that are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986; and any other industrial or commercial discharge that the permittee determines is contributing a significant pollutant loading to storm water runoff.

2.2.1. Failure to Develop an Industrial Facility Source Inventory based on SARA Title III. Part I.C of the Permit requires the City to develop, prioritize, and annually update "a list of the following facilities within the jurisdiction of the permittee: municipal landfills (operating and closed); [and] industrial facilities (from those listed at 40 CFR Part 122.26(b)(14)) which are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 [hereafter, SARA Title III]."

The EPA Inspection Team formally requested an inventory of industrial facilities used by the City to create the list required by the Permit (see Exhibit 4). However, the City did not maintain a list and could not produce records demonstrating it had followed the source identification procedures specified in Part I.C of the Permit. Specifically, the City did not maintain records demonstrating that it had queried the EPA Toxics Release Inventory (TRI) database to identify facilities that are subject to SARA Title III. The EPA Inspection Team conducted its own query of the TRI database and determined that there are at least three facilities that are subject to SARA Title III within the jurisdiction of the permittee, and therefore must be included on the required list (see Exhibit 12). As a result, the City has not developed, prioritized, or annually updated a pollutant source list as required by Part I.C of the Permit. The City must develop, prioritize, and annually update "a list of the following facilities within the jurisdiction of the permittee: municipal landfills (operating and closed); [and] industrial facilities (from those listed at 40 CFR Part 122.26(b)(14)) which are subject to SARA Title III."

2.2.2 Failure to Consider Other Industrial Facilities and Sources in Developing an Industrial Facility Source Inventory. Part I.C.2 of the Permit requires that the source inventory "include other industrial facilities, and non-industrial sources or categories of sources which the permittee believes may discharge significant quantities of pollutants in storm water runoff." The City did not include other industrial facilities (e.g., those which are not subject to SARA Title III) and non-industrial facilities (e.g., commercial businesses such as restaurants and automobile repair shops) in its source inventory. A land use map provided by the City indicates that much of the City's industrial land use is concentrated in an area known as the Scottsdale Airpark that surrounds the City's airport, and in another large industrial complex located to the northeast of the airport and north of the CAP Canal. The EEC Senior Project Manager and City Pretreatment Coordinator explained that the Airpark is projected to continue to grow dramatically in the coming years.

A cursory review of the Scottsdale Airpark indicates that industrial and commercial businesses, particularly support services for the Scottsdale Municipal Airport, may be significant pollutant sources in the community. For example, Westcor Aviation, its tenants, and affiliates operate a private and charter aircraft service, maintenance, and storage facility at 7305 E. Greenway Road in Scottsdale, Arizona. Industrial activities such as aircraft service and storage were observed at the Westcor Aviation facility (see Photographs 1 and 2). The Westcor Aviation facility currently has existing use permits issued by the City for private aircraft storage (39-UP-77) and for heavy aircraft maintenance (57-UP-84), and has applied to the City for another use permit to operate a heliport (see Exhibit 13 and Photograph 3). These industrial activities are classified by

Standard Industrial Classification (SIC) Code 45 and require coverage under the Industrial General Permit. Records provided by ADEQ indicate that the Westcor Aviation facility has never had Industrial General Permit coverage (see Exhibit 13).

The EPA Inspection Team also visited other industrial facilities in the Scottsdale Airpark that may be significant sources of pollutants discharged to the MS4. Specifically, the City Airport Operations Manager explained that most on-airport spills can be attributed to tenant fueling activities. Additionally, fueling activities that occur off-airport are also a likely source of spills. The EPA Inspection Team visited an aircraft fueling system located northeast of 7916 East Beck Lane in Scottsdale, Arizona (see Photographs 4 and 5) which is used by private aircraft operators for fueling, with fuel deliveries overseen by Airport Property Specialists, LLC (fuel farm). Collectively, these industrial activities are classified by Standard Industrial Classification (SIC) Code 45 and require coverage under the Industrial General Permit. Records provided by ADEQ indicate that the aircraft fueling system does not have Permit coverage and is therefore operating without a permit. The City's Industrial Program does not provide oversight of airport or off-airport industrial activities that appear to be potentially significant sources of pollutants to the MS4. *As a result, the EPA Inspection Team recommends that the City reassess the potential pollutant sources within its jurisdiction, including municipal, industrial, and commercial facilities, for inclusion of additional facility types in a facility inventory and an MS4 industrial inspection process. Useful information that can be tracked in the facility inventory could include facility Standard Industrial Classification (SIC) Code, MSGP or other NPDES coverage, whether a SWPPP is maintained, exceedances of benchmark values, on-site pollutant sources, proximity to surface waters, and the like.*

2.2.3. Failure to Implement an Inspection Program to Control Pollutants from Industrial Facilities. Part I.C.3 of the Permit requires the City to use a facility list to prioritize inspection activities. The City has not developed the required facility list (see Section 2.2.1 and 2.2.2 of this inspection report).

40 CFR Part 122.26(d)(2)(iv)(C) states that the Industrial Facilities Program shall identify priorities and procedures for inspection and establishing and implementing control measures for such discharges. During a previous industrial program interview conducted on August 28, 2008 (by PG Environmental, LLC under contract to EPA), the City provided a copy of a draft enforcement response plan and a draft inspection form that was planned for use in both industrial facility and construction storm water inspections. The draft Stormwater Department Enforcement Response Plan, dated August 28, 2008 (hereafter, draft City ERP), Section II.A states that "an annual inspection is conducted by the COS Water Resources Department [City of Scottsdale Pretreatment Program] or their designee at Industrial Facilities subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986." The City has not implemented the draft City ERP.

The EPA Inspection Team formally requested "records of industrial facility inspections since the Permit effective date" (see Exhibit 4), and explained that the records must demonstrate that the City had conducted inspections of facilities that would be identified

using the source identification procedures specified in Part I.C of the Permit. However, the City could not produce records of inspections conducted for MS4 compliance purposes. While the City has an Industrial Pretreatment Program (IPP) and conducts IPP inspections of facilities for sanitary sewer system purposes, the City Pretreatment Coordinator agreed with the EPA Inspection Team that the City's Storm Water Management and IPP are separate programs with separate purposes. Additionally, the City's IPP inspection checklist (see Exhibit 14) does not have a storm water specific component. The EEC Senior Project Manager also explained that training support was provided to the Scottsdale Airport for inspections of airport tenants. However, these would not be qualifying inspections under this section of the Permit as these facilities are not subject to SARA Title III, but were inspected for compliance with the Industrial General Permit and the City only reports to have conducted training, not actual inspections.

As a result, the City has not inspected any of the three facilities (see Exhibit 12) that, at a minimum, should have been listed in an industrial facility/pollutant source list required by Part I.C of the Permit. The City must implement an inspection program to control pollutants from industrial and non-industrial facilities in accordance with Part I.C.3 of the Permit and 40 CFR Part 122.26(d)(2)(iv)(C).

In summary, a draft inspection checklist and draft City ERP had been developed but not implemented, and these were the only components of an Industrial Facility Program that the City maintained. The City has not developed an industrial facility source inventory and therefore has not used the required source inventory to prioritize inspection activities. Moreover, the City has not conducted industrial facility inspections since the effective date of the Permit. Based on the deficiencies discussed in Sections 2.2.1 - 2.2.3 of this inspection report, the City has made very little, if any, progress with program development and implementation since a previous industrial program interview conducted on August 28, 2008. The EEC Senior Project Manager explained that progress with program development and implementation was impeded due to funding issues that arose shortly after the previous industrial program interview.

Section 2.3 Illicit Connections and Illegal Dumping

40 CFR 122.26(d)(2)(iv)(B) requires MS4s to develop and implement a comprehensive program to detect and remove illicit discharges and improper disposal into the MS4.

2.3.1. Failure to Demonstrate Field Screening Activities Conducted During Dry Weather Periods. The Permit Appendix 1, Section B, Additional Field Screening Activities for Illicit Discharges requires the City to "implement an ongoing program to re-evaluate major outfalls for illicit discharges….as set forth at 40 CFR 122.26(d)(1)(iv)(D)." The storm water regulations specified at 40 CFR 122.26(d)(1)(iv)(D) require field screening analysis be implemented for illicit connections and illegal dumping for major outfalls or other field screening points. 40 CFR 122.26(d)(1)(iv)(D) further requires that results of field screening analysis "include a narrative description…of visual observations made during dry weather periods."

The EPA Inspection Team formally requested "annual records of major outfall inspections/dry weather screening since the Permit effective date" (see Exhibit 4), and explained that the records must demonstrate that the City conducted and documented field screening analysis with a narrative description of visual observations made during dry weather periods. The City provided records for the last five years. However, records of the City's outfall inspections do not demonstrate that the City conducted field screening analysis during dry weather periods. For example, the outfall inspection records do not indicate the time elapsed since the previous precipitation event to document dry weather conditions event so it is difficult to judge whether sufficient time has elapsed for all storm water to have moved through the system. The City's outfall inspection records also do not demonstrate that the City is monitoring precipitation data to determine when qualifying dry-weather outfall observations can be conducted (see Exhibits 15 and 16). In addition to the lack of field screening analysis during dry-weather periods, the City failed to develop and implement a standard narrative reporting process for the visual inspections by City field personnel.

Moreover, records of the City's outfall inspections do not demonstrate that the City's Public Works inspection staff is assessing each outfall for evidence of illegal discharges, rather than solely for maintenance. The City's field screening analysis records do not "include a narrative description of visual observations" as required by 40 CFR 122.26(d)(1)(iv)(D). Records of the outfall inspections generally include data related to storm drain maintenance and indicate that the City primarily conducts inspections for maintenance purposes. For example, the records do not indicate if flow or ponding was observed, or whether there was visible foam, sheen, turbidity, sediment accumulation, plumes from the outfall, floatables (e.g. sewage, suds), or odors (see Exhibits 15 and 16). Rather, the records only include locational and maintenance information.

During an interview at the North Corporate Yard, the EEC Senior Project Manager and the City Streets Director explained that training provided to the City maintenance staff focused on spill prevention, hazardous waste operations, and emergency response standards; but did not include storm water training on how to conduct and document visual observations for the outfall inspections. Furthermore, the *NPDES Annual Permit Report; July 1, 2007 through June 30, 2008; MS4 Permit #AZS000020* (hereafter, City's 2007 Annual Report) explains that the City conducted storm drain maintenance and inspections which included checks for dry weather flows. The report states that "if, at any time, illegal dumping was apparent, the inspector would perform necessary maintenance, or would place a work order with the Field Services Department to correct the issue." The City's 2007 Annual Report states "through June 2008 [*reporting period*], the inspections have not revealed any incidents of illegal dumping." Appropriate training for maintenance staff should include storm water screening techniques, otherwise the reliability of such results may be impacted.

The City has developed a drainage system inspection checklist that contains primary observation questions for field maintenance staff to identify illicit discharges when they cannot access the City's preferred electronic system in the field (see Exhibit 17).

However, the City Streets Director explained that the inspection checklist has not been implemented as part of the outfall inspection program.

The EEC Senior Project Manager and City Streets Director explained that the City is currently reporting Public Works department inspections as field screening inspections for NPDES purposes. However, a letter to Region IX EPA and ADEQ, dated September 28, 1999, regarding the *City of Scottsdale NPDES Permit No. AZ000020 dated August 26, 1999,…., Additional Permit Requirements* (hereafter, Additional Requirements Letter), states "Inspection and maintenance of the City's storm drainage system are performed by two separate City departments (Community Maintenance and Recreation [*Parks*], and Municipal Services). For the purposes of this proposal, both departments will be referred to as City staff." When asked about this, the EEC Senior Project Manager and City Streets Director explained that City Parks Maintenance staff also conduct outfall inspections in Indian Bend Wash, specifically where outfalls exist within City owned and operated parks. The City Parks Maintenance inspection and work order form do not indicate whether field screening analysis occurred during dry weather periods (see Exhibit 18). Additionally, the City Parks Maintenance field screening analysis records do not include a narrative description of visual observations as required by 40 CFR 122.26(d)(1)(iv)(D).

The EEC Senior Project Manager explained that Parks Maintenance personnel also routinely observe dry weather flows which originate from the Salt River Project irrigation delivery flows. Records provided to the EPA Inspection Team (see Exhibit 18) do not include documentation of these dry weather flows and appropriate follow-up in accordance with 40 CFR 122.26(d)(1)(iv)(D). As a result, the City has not demonstrated that it has conducted the required follow-up sampling and source identification for identified dry weather flows. The City must effectively implement a field screening program for illicit discharge detection and elimination as required by the Permit Appendix 1, Section B and 40 CFR 122.26(d)(2)(iv)(B). In order to do so, the City must develop standardized procedures and appropriate training to ensure adequate implementation.

Section 2.4 Construction Sites

40 CFR 122.26(d)(2)(iv)(D) requires MS4s to develop a comprehensive program to implement and maintain structural and non-structural best management practices to reduce pollutants in storm water runoff from construction sites to the MS4.

The EPA Inspection Team conducted six individual inspections of private construction sites located in the City and/or discharging into the City's MS4 to evaluate compliance with the Construction General Permit. Summary observations pertaining to the majority of these sites are presented below in a series of individual construction site assessments. For a detailed description of the inspection findings from the Construction General Permit inspections refer to Appendix D. Following the individual construction site assessments, conclusions are presented which directly pertain to the City's oversight obligations under its MS4 permit.

Classic Residence Silverstone located at Northwest corner of Miller Road and Williams Drive in Scottsdale, AZ

Improperly controlled concrete washout activities caused an illicit non-stormwater discharge to a drainage ditch along Williams Drive, part of the City's MS4. Un-controlled concrete waste was also observed beyond the dedicated concrete washout BMP. Additionally, adequate BMPs were not implemented on the north side of the drainage ditch and box culvert wingwall along Williams Drive and at an adjacent location to the east of the construction site exit. Specifically, a silt fence BMP had failed and sediment had discharged from the site to the drainage ditch along Williams Drive, a component of the City's MS4.

A portable toilet located east of the main lodge was improperly placed directly adjacent to a storm drain inlet and not properly secured to prevent it from being knocked over or blown down. As a result, there was a potential for a chemical and sanitary waste discharge to the storm drain inlet and subsequent retention structure.

Maravilla Scottsdale located at 7325 E. Princess Boulevard in Scottsdale, AZ

Adequate perimeter and erosion control BMPs were not implemented along the southern boundary of the site to prevent the discharge of sediment to the adjacent Central Arizona Project (CAP) conveyance channel. A sedimentation basin located in the southwest portion of site was not yet operational and temporary BMPs had not been implemented for exposed areas up-gradient and down-gradient of the sedimentation basin. As a result, there was a potential for the discharge of sediment to the adjacent CAP conveyance channel.

Additionally, irrigation overflow from the southeast portion of the site ran over exposed soils and had the potential to contribute to an illicit non-stormwater discharge to the CAP conveyance channel. In addition, a large expanse of exposed area was observed up-gradient of a partially operational sedimentation basin located in the southeast portion of site. Evidence of a non-stormwater discharge source (e.g., sediment and irrigation/dust control water) in the sedimentation basin was observed; including water and sediment accumulation in the inlet structure.

Our Lady of Perpetual Help located at 3801 North Miller Road in Scottsdale, AZ

Adequate BMPs were not implemented to prevent the transport of sediment to Main Street from the construction entrance. Sediment and debris were observed beyond the Facility's construction entrance and in the City's curb and gutter line along Main Street, a City roadway. As a result, there was a release of sediment from the disturbed area to Main Street, a component of the City's MS4.

Reflections on the Canal located at 4807 North Woodmere Fairway, Scottsdale, AZ

Adequate BMPs were not implemented at several inlet locations along Woodmere Fairway, a City roadway. Discharge of sediment into the City's MS4 had occurred as sediment was observed inside several catch basin inlet locations on the northwest portion of the site adjacent to Woodmere Fairway. Additionally, sediment was currently being transported from the construction site entrances onto Woodmere Fairway. Sediment and debris accumulation was observed beyond the Facility's construction entrance in the City's curb and gutter line along Woodmere Fairway. As a result, there was evidence of a release of sediment and debris onto Woodmere Fairway, a component of the City's MS4

Scottsdale Fashion Square located at 7014 East Camelback Road in Scottsdale, AZ

Adequate BMPs were not implemented at several locations along the site perimeter adjacent to Scottsdale Road, a City roadway. As a result, there was a release of sediment from the disturbed area to Scottsdale Road, a component of the City's MS4. Additionally, sediment from the disturbed area located in the northern portion of the site, adjacent to the parking lot, was being transported across the impervious surface beyond the site boundaries.

2.4.1 Need to Conduct Effective Inspections of Private Construction Sites. 40 CFR 122.26(d)(1)(iv)(D) requires Construction Sites Programs to include "procedures for identifying priorities for *inspecting* sites and *enforcing* control measures which consider the nature of the construction activity, topography, and the characteristics of soils and receiving water quality [emphasis added]." The EPA Inspection team conducted six Construction General Permit inspections preceding the MS4 Inspection. Construction site conditions observed during these activities suggest that the City's inspection practices for private construction sites do not adequately ensure compliance with the City's MS4 permit.

The EPA Inspection Team also conducted two oversight inspections with Planning and Development inspection staff. The City's Planning and Development inspector did not utilize an inspection checklist or inspection form for documentation purposes during the oversight inspections. The City's Field Engineering Supervisor and Grading/Erosion Control Inspector overlooked several BMP issues and did not evaluate the installation and maintenance of BMPs implemented at the sites. For example, at the Scottsdale Fashion Square construction site, adequate BMPs were not implemented at several locations along the site perimeter adjacent to Scottsdale Road, part of the City's MS4, which had resulted in a release of sediment offsite (see Photograph 6). The City inspector did not convey to the construction site operator that the problem must be corrected. The City inspectors also did not take notes relating to issues on facility site conditions. The EPA Inspection Team was told that, following the inspections, the inspector returns to the office to enter inspection findings into the records system. Furthermore, the City's construction site inspections for storm water were limited to assessing perimeter controls and off-site sediment discharges.

The City does not have dedicated erosion and sediment control (ESC) inspectors to conduct routine construction storm water inspections. Instead, the City's Planning and Development staff conduct grading, drainage, encroachment, and various building inspections at private construction sites. The EPA Inspection Team determined that storm water/ESC issues are a minor component of inspections conducted by the Planning and Development staff. Inspections of construction storm water resulting from complaints are completed by a Municipal Services storm water inspector.

The EPA Inspection Team requested inspection records for three private construction sites (see Exhibit 4). The City's construction site inspection records do not demonstrate that the City is identifying and evaluating BMPs at construction sites (see Exhibits 19 and 20). The inspection records from April 2008 (see Exhibit 21) indicate "SWPP[P] failure" at the Reflections on the Canal site; however, the records do not include a description of the failure nor do the records indicate any follow up actions fulfilled. Furthermore, the City's inspection records do not contain detailed comments regarding issues or problems, general corrective actions (e.g., with respect to proper installation or maintenance of controls) to be taken by the site contractor, or needed follow-up by the inspector.

The EPA Inspection Team conducted interviews with Facility representatives at each private construction site during the Construction General Permit Inspections. Facility representatives stated that the City had issued permits (e.g., grading) for their respective projects, but the consensus was that there had not been any interaction with City inspectors for storm water or erosion and sediment control purposes. The majority of Facility representatives further stated that City inspectors had not requested to view the respective project SWPPP and had not required corrective actions for erosion and sediment control purposes.

Based on the General Permit Inspections and oversight inspections with the City's Planning and Development inspection staff, the EPA Inspection Team collectively determined that the City's construction site inspections are not effective for ensuring implementation and maintenance of structural and non-structural best management practices to reduce pollutants in storm water runoff from construction sites to the MS4. 40 CFR 122.26(d)(2)(iv)(D) requires a comprehensive program to implement and maintain structural and non-structural best management practices to reduce pollutants in storm water runoff from construction sites to the MS4. Furthermore, 40 CFR 122.26(d)(2)(iv)(D) requires MS4 SWMPs to develop "priorities for inspecting sites and enforcing control measures which consider the nature of the construction activity, topography, and the characteristics of soils and receiving water quality." The City must implement a comprehensive program for private construction sites.

Section 2.5 Municipal Operations

40 CFR §122.26(d)(2)(iv)(A)(3) requires MS4's to implement a comprehensive program "for operating and maintaining public streets, roads, highways," and associated municipal facilities.

The EPA Inspection Team conducted a site visit to the City's North Corporate Yard to evaluate the effectiveness of the City's pollution prevention and good housekeeping practices at facilities that support municipal operations. Inadequate site conditions and housekeeping practices were observed at the North Corporate Yard. For example, Hyperequip Heavy Duty Degreaser was being used to clean the floors in the vehicle maintenance shops (see Photograph 7). The used degreasing and washwater solution was being emptied in an area near the materials storage area located outside of the maintenance shop area. The EPA Inspection Team observed evidence of floor degreasing residue that had been transported beyond the designated degreasing disposal area (see Photographs 8 and 9). As a result, there was potential to contribute pollutants to storm water as well as potential for an illicit non-storm water discharge.

The Permit Appendix 1, Section B, Additional Field Screening Activities for Illicit Discharges requires the City to "prohibit non-storm water discharges into the MS4." Part I.F.3 of the Permit defines illicit discharge as "any discharge to a municipal separate storm sewer system that is not composed entirely of storm water." The EPA Inspection team observed a discharge of vehicle wash water flowing to the MS4 at the North Corporate Yard (see Photograph 10). As a result, there was an illicit non-storm water discharge to the storm drain inlet, a component of the City's MS4. The Water Department operator responsible for the discharge explained that he was not aware that this was a prohibited discharge. The operator also stated that he had not received storm water pollution prevention or illicit discharge detection and elimination training. <u>The City must effectively prohibit non-storm water discharges into the MS4 as required by the Permit Appendix 1, Section B, Additional Field Screening Activities for Illicit Discharges.</u>

The EPA Inspection Team also conducted field observations of street sweeping activities. The operator of the street sweeper was not aware of the role that street sweeping operations serve in the City's pollution prevention practices and also explained that he had not received training in storm water pollution prevention and illicit discharge detection and elimination. *The intention of pollution prevention practices is to reduce pollutants in storm water runoff from areas associated with municipal maintenance activities and from municipally owned or operated equipment yards and maintenance shops that support municipal operations associated with public roadways. It is recommended that the City pursue options to provide adequate training to municipal personnel and field staff to identify and report conditions in the MS4 that may indicate prohibited activities. In this manner, the City could leverage the field staff who have direct contact with the MS4 in detecting and eliminating illicit discharges and maintaining the BMPs necessary to reduce pollutants in storm water.*

Section 2.6 Storm Water Monitoring Program

40 CFR 122.26(d)(2)(iii)(D) requires MS4s to develop and implement "a proposed monitoring program for representative data collection for the *term of the permit* [emphasis added] that describes the location of outfalls or field screening points to be sampled….the frequency of sampling, parameters to be sampled, and description of sampling equipment."

2.6.1. Failure to Implement the Storm Water Monitoring Program as Described in the City's Monitoring Plan. Part I.A.3 of the Permit requires the City to "implement the storm water monitoring program described in the document described in Part I.F.12 of this permit [specifically including Section 3 of the City's 1998 Part 2 Application]." The City's Monitoring Plan presents a proposed monitoring program pursuant to 40 CFR 122.26(d)(2)(iii)(D). The City's 1998 Part 2 Application, Section 3.5.2.2, states "the five primary wet weather monitoring stations described in the Part 1 Application are retained for the proposed Permit term monitoring program….Also chosen are the two alternative or secondary sites described in the Part 1 Application in case any of the five primary stations are later found to be unsuitable for monitoring." A summary of results for storm water monitoring is presented in Appendix I of the City's 2007 Annual Report. The sampling results reported in the City's 2007 Annual Report only document monitoring results for two sampling station locations (see Exhibit 22). The City must fully implement the City's Monitoring Plan as required by Part I.A.3 of the Permit.

2.6.2. Failure to Properly Report Storm Water Monitoring Results. The EPA Inspection Team conducted a records review of the City's monitoring data to assess the accuracy and reliability of the City's self monitoring program. The Permit Part II.10, Region IX Standard Federal NPDES Permit Conditions, requires that records of monitoring information include: (1) the date, exact place, and time of sampling or measurements; (2) the individual(s) who performed the sampling or measurements; (3) the date(s) analyses were performed; (4) the individual(s) who performed the analysis; (5) the analytical techniques or methods used; and (6) the results of such analyses. It was observed that records of monitoring information (e.g. Chains-of-Custody and analytical results) were not included in the 2007 Annual Report. As a result, monitoring results reported by the City in the 2007 Annual Report did not include the required information required by Part II.10 of the Permit including: (1) time of sampling or measurements; (2) the individual(s) who performed the sampling or measurements; (3) the date(s) analyses were performed; (4) the individual(s) who performed the analysis; and (5) the analytical techniques or methods used (see Exhibit 22). The City must report analytical results as required by Part II.10 of the Permit.

Environmental Science Corporation conducts contract laboratory analysis for EEC on behalf of the City. Analytical results from Environmental Science Corporation routinely did not include the individual(s) who performed the analysis. Exhibit 23, for example, displays the July 19, 2007 analytical results for the laboratory's sample analysis which lacks the required information. Furthermore, data from Environmental Science Corporation from July 17, 2007 for nitrate, nitrite, and cadmium were misreported in the 2007 Annual Report as follows: (a) the analytical results from July 17, 2007 for nitrate were reported as the analytical result for nitrite, (b) the analytical result for cadmium should have been reported as the minimum detection limit (0.0050), but was reported as 0.00050 milligrams per liter (see Exhibits 22 and 23). As a result, analytical results were not reported in accordance with the Permit Part II.10, Region IX Standard Federal NPDES Permit Conditions. The City must report valid analytical results as required by Part II.10 of the Permit.

The Permit Part II.10, Region IX Standard Federal NPDES Permit Conditions states "monitoring must be conducted according to procedures approved under 40 CFR Part 136….unless test procedures have been specified in this permit." 40 CFR Part 136.3, Table II, footnote 22, states that fecal coliform and fecal streptococci should be analyzed "immediately, preferably within 2 hours of sample collection" and that "the maximum transport time to the laboratory is 6 hours, and samples should be processed within 2 hours of receipt at the laboratory." Fecal coliform and fecal streptococci analysis results reported by the City routinely did not meet the 6 hour holding time limit specified in 40 CFR Part 136.3, Table II. Exhibits 24 and 25, for example, display the July 17, 2007 analytical results for the fecal coliform and fecal streptococci samples which were analyzed beyond the maximum holding time limit. Although the contract laboratory notified the City that the samples were received outside of the specified holding time limit, the City reported the results in the 2007 Annual Report (see Exhibit 22) rather than identifying that the results were invalid. The City must report analytical results as required by Part II.10 of the Permit.

2.6.3. Failure to Conduct Monitoring for DDE. The Permit Appendix 1, Section G, Monitoring for DDE requires the City to "include DDE on the list of pollutants for which sampling and analysis is conducted in accordance with the storm water monitoring program." Records of monitoring information from Environmental Science Corporation did not include analytical results for DDE. DDE was also not included in the City's Analytical Parameters for Permit Sampling list in Table 3-12 of the City's 1998 Part 2 Application (see Exhibit 26). As a result, monitoring for DDE was not reported in accordance with the Permit. The City must report analytical results as required by the Permit Appendix 1, Section G, Monitoring for DDE.

Section 3.0 Summary Evaluation of General Permit Inspections in the City of Scottsdale

The EPA Inspection Team conducted 10 additional inspections of facilities located in the City and/or served by the City's MS4. Six of the facilities were construction sites where the owner or operator had obtained coverage under the Construction General Permit. Four of the facilities were industrial sites where the owner or operator had obtained coverage under the Industrial General Permit.

The purposes of the General Permit Inspections were (1) to assess the adequacy, appropriateness, and maintenance of BMPs employed by construction and industrial activities to prevent and reduce storm water pollution, and (2) to gauge the overall effectiveness of the City's construction and industrial oversight activities. Conclusions which directly pertain to the City's oversight obligations under its MS4 permit are presented in Section 2.2, Industrial Facilities, and Section 2.4, Construction Sites, respectively.

The General Permit Inspections were conducted by two teams of inspectors with the participation of ADEQ personnel. Reports for the General Permit Inspections are provided in Appendix D and will also be forwarded to the respective facilities.

Section 4.0 Recommendations for Improved Storm Water Management by the City

Summary Recommendation Regarding Development and Implementation of the City's Storm Water Management Programs. MS4 programs, by necessity, involve numerous divisions and personnel within an organization. Therefore, successful implementation of a comprehensive MS4 program relies on strong interdepartmental coordination and cooperation by City personnel. The interdepartmental coordination and communication within the City's organizational structure is almost nonexistent for MS4 program purposes. For instance, through the course of the EPA inspection, the City's Stormwater NPDES Coordinator explained that he learned that the inspections of municipal facilities are conducted as part of the City's Environmental Management System (EMS) on an annual basis. The City Municipal Services representatives also stated they learned a great deal about the SWMP activities of the other City Departments throughout the course of preparing and taking part in the evaluation of the City's MS4 program. As a result, the City appeared to lack overall distribution of program responsibilities and program unification.

The City relies on EEC to develop and implement certain aspects of the Storm Water Management Program including: monitoring activities, negotiations with ADEQ, emergency sampling related to spills, and the compilation and submittal of annual reports. Throughout the EPA inspection, the City's Consultant responded to the majority of formal questioning and program evaluation. As a result, it appeared that the City had not internalized all facets of the Storm Water Management Program. *The EPA Inspection Team recommends that the City reevaluate the MS4 program and its ability (1) to develop and implement a comprehensive MS4 program and (2) to unify the MS4 program by coordination within the City's organizational structure, distribution of program responsibilities, and program unification through organizational control.*

Furthermore, it is recommended that the City pursue options to leverage the participation of other City staff and instill ownership of its Storm Water Management Program. Options to leverage the participation of City staff could include the development of a City steering committee and holding workshops or meetings with staff who are delegated responsibilities for the Storm Water Management Program.

Appendix A
Inspection Schedule

Agenda for MS4 Inspection of City of Scottsdale (June 8–11, 2009)

Day	Time	Program Area/ Agenda Item
Monday June 8, 2009	All Day	General Permit Inspections
Tuesday June 9, 2009	8:30 am - 9:00 am	Kick-off Meeting & Program Management Overview
	9:00 am - 11:00 am	Construction (Office)
	11:00 am - 12:00 pm	New Development and Redevelopment (Office)
	12:00 pm - 1:00 pm	Lunch Break
	1:00 pm - 2:00 pm	Storm Drain Maintenance and Structural Controls (Office)
	2:00 pm - 3:00 pm	Illicit Connections and Illegal Dumping (Office)
	3:00 pm - 4:00 pm	Municipal Facilities/Operations (Office)
Wednesday June 10, 2009	6:15 am - 10:00 am	Municipal Facilities/Operations (Field)
	10:00 am - 12:00 pm	Construction/ New Development and Redevelopment (Field)
	12:00 pm - 1:00 pm	Lunch Break
	1:00 pm - 2:00 pm	Industrial Facilities (Office)
	2:00 pm - 3:00 pm	Monitoring/Sampling (Office)
Thursday June 11, 2009	8:00 am - 9:00 am	Construction General Permit Oversight Inspections (Field)/Records Review (Office)
	9:00 am - 10:00 am	Internal Discussion[1]
	10:00 am - 11:30 pm	Closing Conference[2]

[1] Internal Discussion – Discussion among members of the EPA Inspection Team. Goal is to compare notes and prepare information to be discussed with the City during Closing Conference. City participation is not needed.
[2] The City is encouraged to invite representatives from all applicable organizational divisions/departments.

Appendix B
Exhibit Log

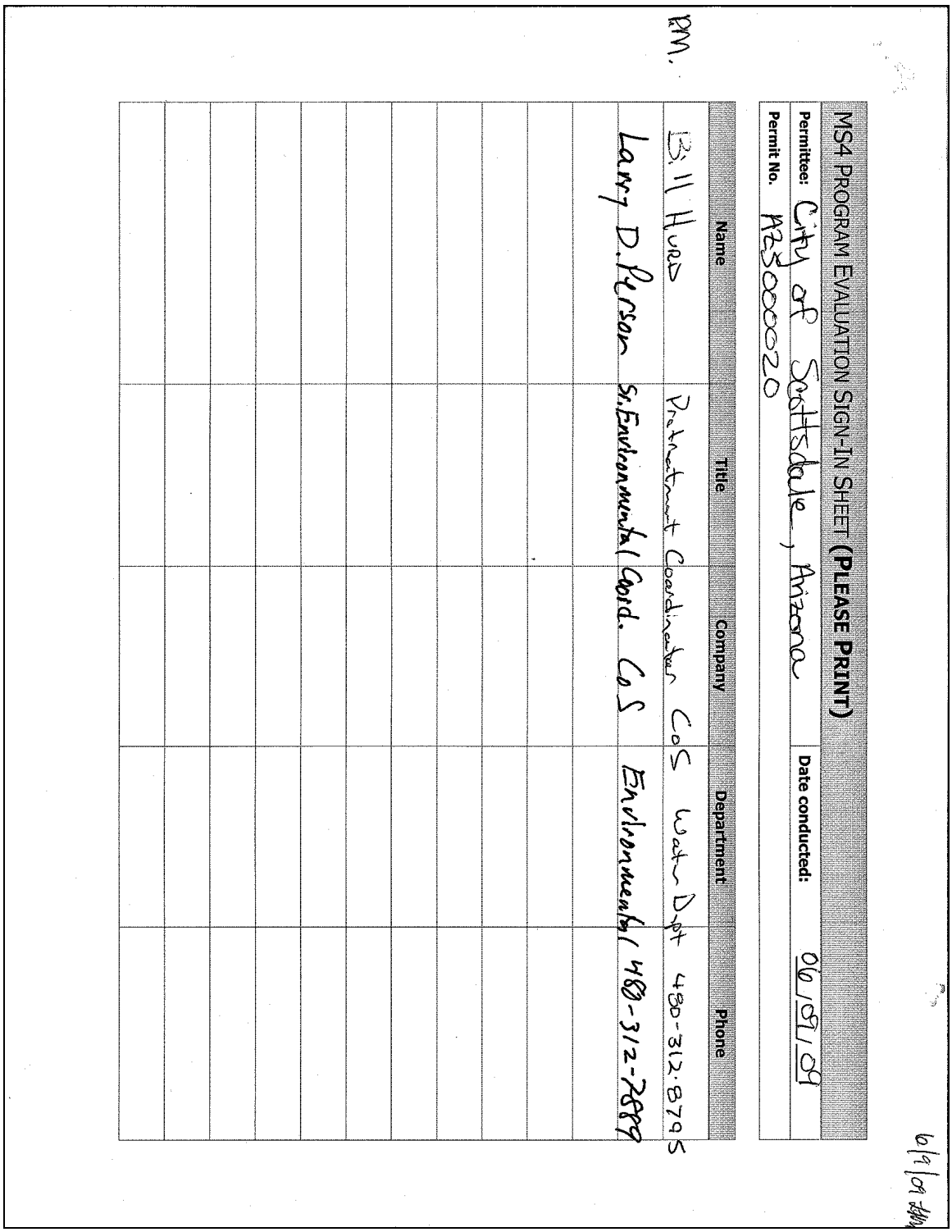
6/9/09 LM

MS4 PROGRAM EVALUATION SIGN-IN SHEET (PLEASE PRINT)

Permittee: City of Scottsdale, AZ **Date conducted:** 06 / 09 / 09
Permit No. AZS000020

	Name	Title	Company	Department	Phone
	Lisa Spahr	EEC ⟷	PM	—	602-248-7702 lspahr@eecphx.com
	Rebecca Sydnor	EEC-	staff engineer LM / EEC	—	602 248-7702 RSydnor@eecphx.com
	Chris Henninger	Stormwater ~~ADEQ~~	ADEQ		602/771-4508
	Ashley Couch	Stormwater Mgmt. Director	City of Scottsdale	Municipal Services	acouche scottsdaleaz.gov 480-312-4317
	Gebre Aberra	Storm water planner	City of Scottsdale	"	480-312-2718
	Bill Erickson	Stormwater NPDES Coord	City of Scottsdale	"	480-312-7652
	Peter Jagow	Compliance Inspector	ADEQ		602 771-4519 ppj@azdeq.gov
	Annette Grove	Sr Project Manager	City of Scottsdale	Capital Project Management	480-312-2399 AGrove@ScottsdaleAz.gov
	Joe Morris	Engineering Coord. Manager	City of Scottsdale	Planning & Dev. Services	(480) 312-2757
	RALPH NORIEGA	Director of Inspection Services	City of Scottsdale	Planning & Dev Services	(480) 312-5769
A.M.	Rich Anderson	Senior Civil Eng.	COS	Stormwater Management	480-312-2729
P.M.	Rod Ramos	STREETS DIRECTOR	COS	Public Works	480-312-5641
	ROBERT A. HENDERSON	DRAINAGE INSPECTOR	C.O.S -	STORMWATER MGMT.	480-312-7278

Exhibit 1. Sign-in sheet for the June 9, 2009, kickoff meeting and daily activities.



MS4 PROGRAM EVALUATION SIGN-IN SHEET (PLEASE PRINT)

Permittee: City of Scottsdale, Arizona
Date conducted: 06/09/09
Permit No. AZS000020

Name	Title	Company	Department	Phone
Bill Hurd	Pretreatment Coordinator	COS	Water Dpt	480-312-8795
Larry D. Person	Sr. Environmental Coord.	COS	Environmental	480-312-7899

6/9/09

Exhibit 2. Sign-in sheet for the June 9, 2009, kickoff meeting and daily activities.

MS4 PROGRAM EVALUATION SIGN-IN SHEET (PLEASE PRINT)

Permittee: AZS000020 City of Scottsdale, AZ

Permit No. ↓

Date conducted: 06/10/09

Name	Title	Company	Department	Phone
Matt Luckie	Maintenance Coordinator	C.O.S.	Streets	480-312-5640
Scott Coulson	EPA Contractor	PG Env.	NPDES	303.279.1778
Gary Hoffmann	Geologist	E2L	Enviro	602-980-1557
John Burton	Project Manager	EEC	Enviro.	602-248-7702

06/10/09
JHM

Exhibit 3. Sign-in sheet for the June 10, 2009, Municipal Operations and Monitoring sessions.

AZS000020 – City Scottsdale MS4 – 060909

MS4 PROGRAM COMPLIANCE EVALUATION

Records Requested:

Program Management

1. Any written description of your MS4 Programs/Program Areas (if available).
2. Program organizational chart and/or a description of the departments involved in the implementation of your MS4 program and their responsibilities.
3. Current land use map
4. Permit renewal application (where it provides more current information) 2004

I renewal & expired

Construction

5. Inventory of current active construction sites (public and private with location)

Could not provide – 5a. Princess Hotel 404 cert.

Post Construction

6. Inventory of projects where post construction BMPs have been implemented (public and private with location and installation/completion date) – Rod Ramos – Public projects
7. City Design Standards and Policies Manual – Maricopa FCD standards

Storm Drain Maintenance

Could not provide I

8. Submittal/proposal to regulatory agencies for inspection and maintenance of the storm drain system (Permit Appendix 1, p. 1—due September 30, 1999)

Illicit Discharge Detection and Elimination

9. Ordinance or regulatory mechanism prohibiting non-storm water discharges to the MS4
10. Annual records of major outfall inspections/dry weather screening since permit effective date (Permit Appendix 1, p. 1) – Rod Ramos ~ last 5 yrs.

Municipal Operations

Did not provide NPDES #'s I

11. Inventory of municipal facilities/corporate yards with NPDES permit numbers
12. Example pollution prevention plan

Industrial Facilities

F
F

13. Inventory of industrial facilities
14. Records of industrial facility inspections since permit effective date

Storm Water Monitoring Program

15. Monitoring Plan or program description

Could not provide – 16. 84th St & Cholla. City cleanup of drainage w/ 404 coverage.
17. Inspection records – Reflections of Canal (2 mo.)
18. " " – One Fashion Square (2 mo.)

Exhibit 4. Records request sheet provided to the City on June 9, 2009

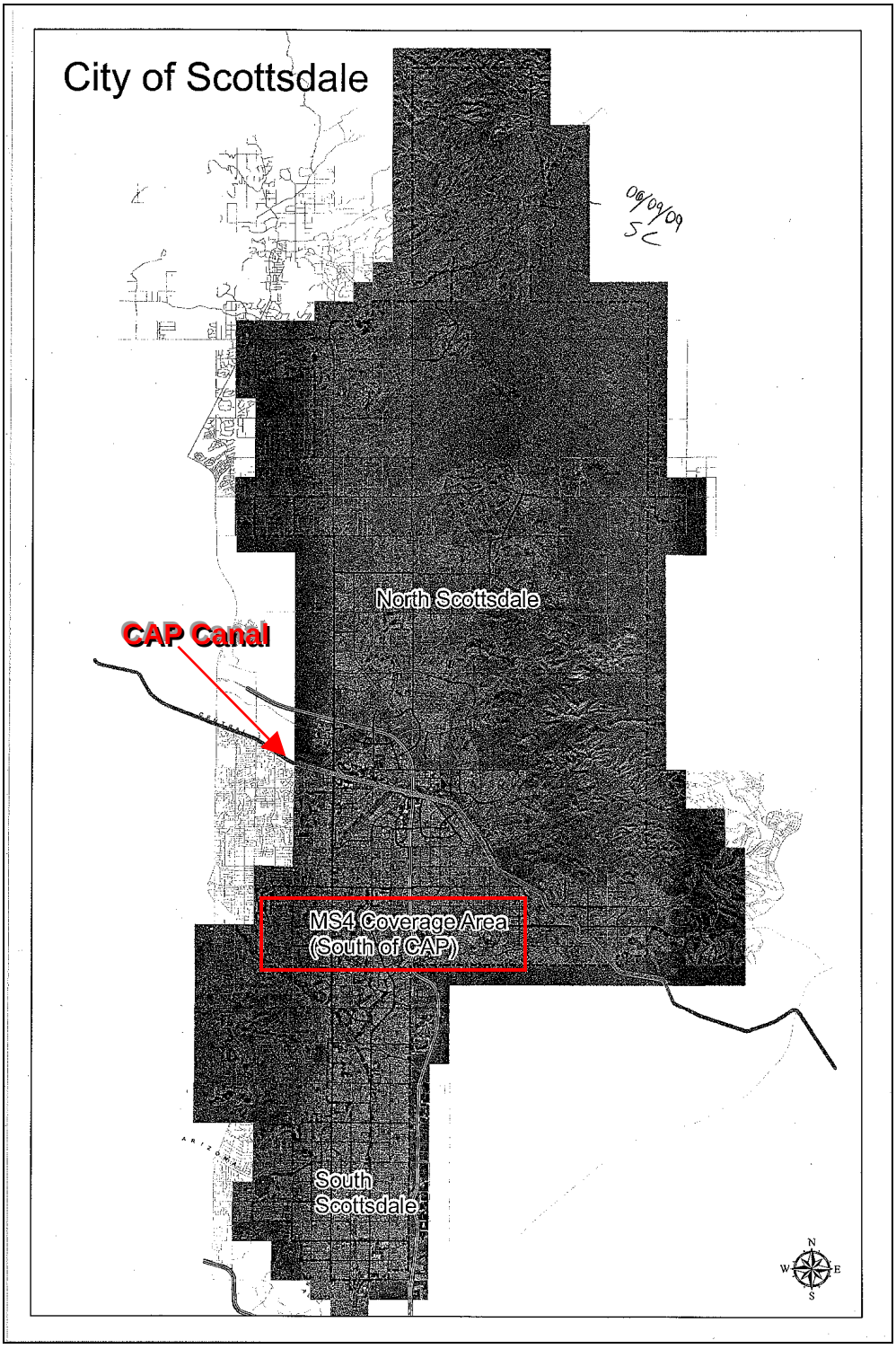


Exhibit 5. The City now considers its MS4 Permit Area to be limited to those areas of the City which are located south of the CAP Canal.

ARIZONA DEPARTMENT
OF
ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov

Janet Napolitano
Governor

Stephen A. Owens
Director

06/12/09 SC

November 2, 2004

Maria M. Mahar
Water Quality Coordinator
City of Scottsdale Water Campus
8787 E. Hualapai Drive
Scottsdale AZ 85255

SUBJECT: Questions from City of Scottsdale regarding De Minimus and other AZPDES discharge issues

Dear Maria:

In follow up to our meeting on October 22, 2004, I have discussed your questions with Chris Varga, Manager of ADEQ's Surface Water Permits Unit, and have shown him the maps you brought in. We can provide some answers now (below), so we wanted to give you this information right away rather than wait to set up a meeting as you have suggested. In most cases below, I have quoted the questions you e-mailed to me earlier this year (in bold), but I have also paraphrased some of them based on our recent conversations.

1. **Designation of ephemeral washes north of the CAP canal: are these considered waters of the U.S.? Previously, we had understood that they were not; however, we would like clarification.**

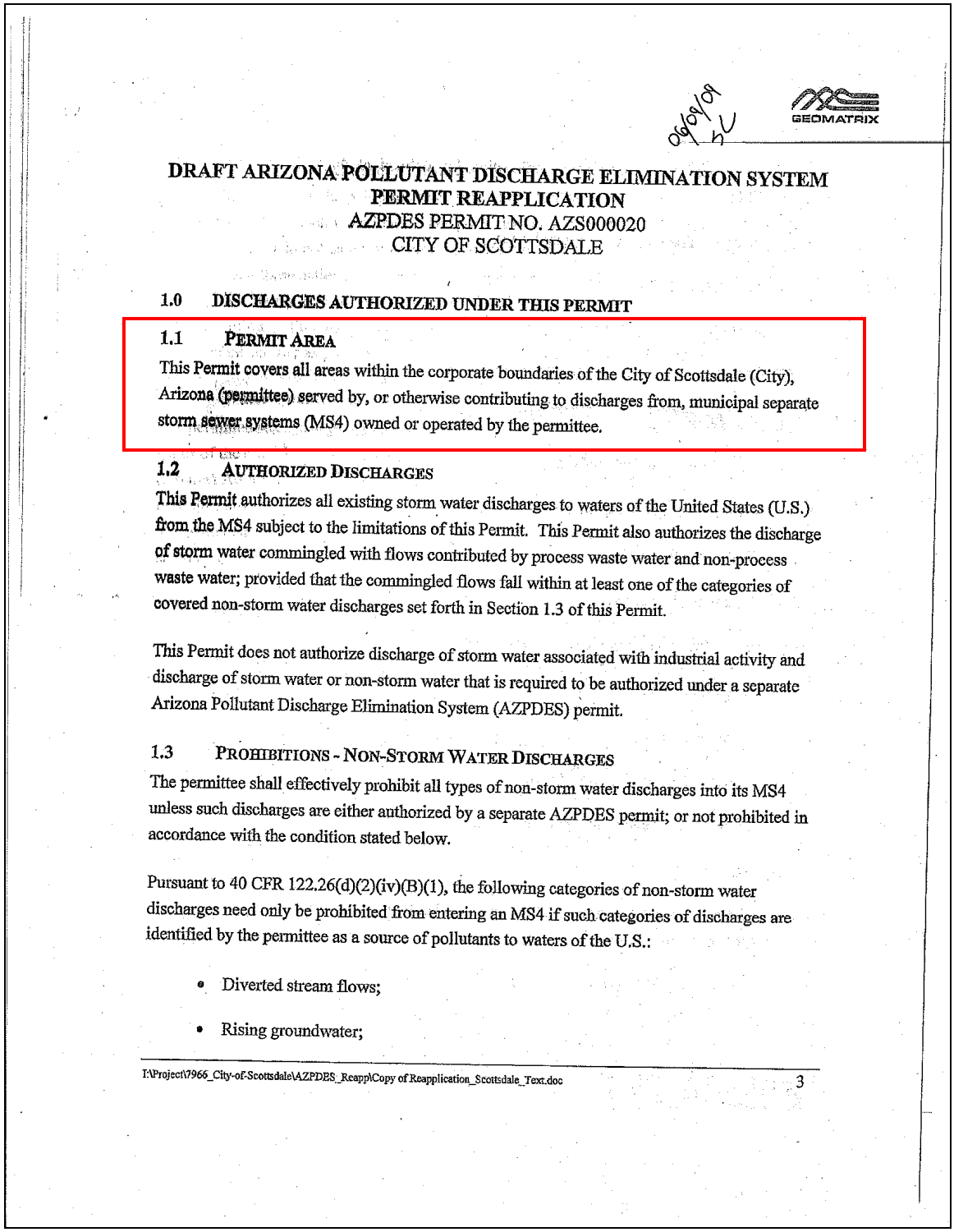
   For purposes of application of the state water quality standards, all ephemeral washes in Arizona are considered waters of the U. S (WUS). In many cases these are tributary to another water, or may contribute to another surface waterbody through subsurface flow or during very large storm events. Once a waterbody is considered a WUS, it retains that designation, so even if the CAP canal truncated some of the washes, they do not lose their regulatory status. Disturbances of these washes also typically require a 404 permit from the Army Corps of Engineers because of their status as WUS. The AZPDES permitting program does not have the discretion to make alternative regulatory determinations on these washes; therefore, discharges to any of these washes would need to be covered under an AZPDES permit.

2. **City production zones and storm sewer: For purposes of the potable water De Minimus permit, the City has three sections: north of the CAP canal (see above question); between the CAP canal and Indian Bend Road (waters not captured by the MS4); and south of Indian Bend Road (captured by the MS4). We would like to discuss the best way to handle this variety of situations.**

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ
86004

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ
85701

Exhibit 6. Letter to the City dated November 2, 2004



06/09/09

GEOMATRIX

DRAFT ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REAPPLICATION
AZPDES PERMIT NO. AZS000020
CITY OF SCOTTSDALE

1.0 DISCHARGES AUTHORIZED UNDER THIS PERMIT

1.1 PERMIT AREA

This Permit covers all areas within the corporate boundaries of the City of Scottsdale (City), Arizona (permittee) served by, or otherwise contributing to discharges from, municipal separate storm sewer systems (MS4) owned or operated by the permittee.

1.2 AUTHORIZED DISCHARGES

This Permit authorizes all existing storm water discharges to waters of the United States (U.S.) from the MS4 subject to the limitations of this Permit. This Permit also authorizes the discharge of storm water commingled with flows contributed by process waste water and non-process waste water; provided that the commingled flows fall within at least one of the categories of covered non-storm water discharges set forth in Section 1.3 of this Permit.

This Permit does not authorize discharge of storm water associated with industrial activity and discharge of storm water or non-storm water that is required to be authorized under a separate Arizona Pollutant Discharge Elimination System (AZPDES) permit.

1.3 PROHIBITIONS - NON-STORM WATER DISCHARGES

The permittee shall effectively prohibit all types of non-storm water discharges into its MS4 unless such discharges are either authorized by a separate AZPDES permit; or not prohibited in accordance with the condition stated below.

Pursuant to 40 CFR 122.26(d)(2)(iv)(B)(1), the following categories of non-storm water discharges need only be prohibited from entering an MS4 if such categories of discharges are identified by the permittee as a source of pollutants to waters of the U.S.:

- Diverted stream flows;
- Rising groundwater;

I:\Project\7966_City-of-Scottsdale\AZPDES_Reapp\Copy of Reapplication_Scottsdale_Text.doc 3

Exhibit 7. The City's 2004 Draft Permit Reapplication specifies an MS4 Permit Area that is inclusive of all City areas, regardless of whether they are located north or south of the CAP Canal.

NPDES ANNUAL PERMIT REPORT –
JULY 1, 2005 THROUGH JUNE 30, 2006
City of Scottsdale Municipal Separate Storm Sewer System
Scottsdale, Arizona

06/11/09
SC

1.0 INTRODUCTION

1.1 PURPOSE

This Annual Report presents the various activities and programs implemented by the City of Scottsdale (the City) as required by the City's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit Number AZS000020 (Permit). The reporting period for this Annual Report is July 1, 2005 through June 30, 2006.

The Permit was issued by United States Environmental Protection Agency (EPA) Region 9 after the City had submitted Part 1 and Part 2 of its NPDES applications and applies only to those areas south of the Central Arizona Project (CAP) Canal. In a letter dated December 13, 2002, the Arizona Department of Environmental Quality (ADEQ) announced on December 5, 2002, that EPA Region 9 approved the Arizona Pollutant Discharge Elimination System (AZDPES) program. However, due to recent court actions concerning the AZPDES program the City's stormwater management activities continued to be managed under the terms and conditions of the Permit issued by the EPA on August 26, 1999. This permit expired on August 31, 2002 but has been administratively continued by the EPA.

The City's Stormwater Management Program (SMP) involves administration over approximately 90 miles of improved channels, approximately 43 miles of storm drain pipe, approximately 50 miles of roadway to be used for stormwater conveyance, and approximately 19,000 catch basins, inlets, and headwalls.

This Annual Report summarizes the following SMP activities for last year:

- status of the SMP components required to be implemented by the Permit
- an assessment of the effectiveness of the SMP implementation of various Best Management Practices (BMPs)
- an analysis of the annual expenditure on the SMP during last year; and
- the budgetary allocation for "next year", defined as the reporting period covering July 1, 2006 through June 30, 2007

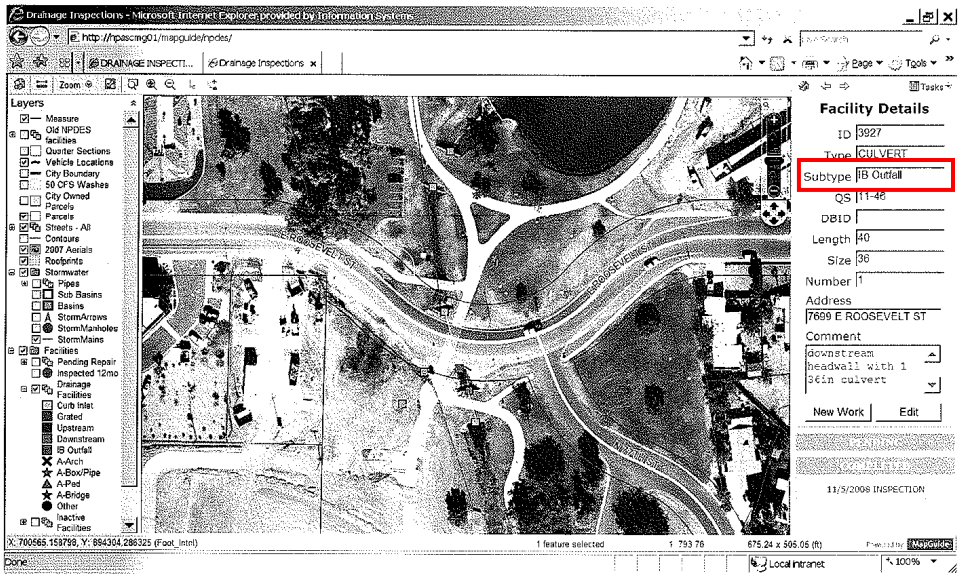
September 2006 *Page 1*

Exhibit 8. The first record of a distinction between areas located north or south of the CAP Canal.

City of Scottsdale NPDES old and new system example screen shots Page 1 of 4

09/10/09 SC

(Area in present NPDES system corresponding to List of Outfalls Outfall ID 020090)



(Area in old NPDES system corresponding to List of Outfalls Outfall ID 020090)

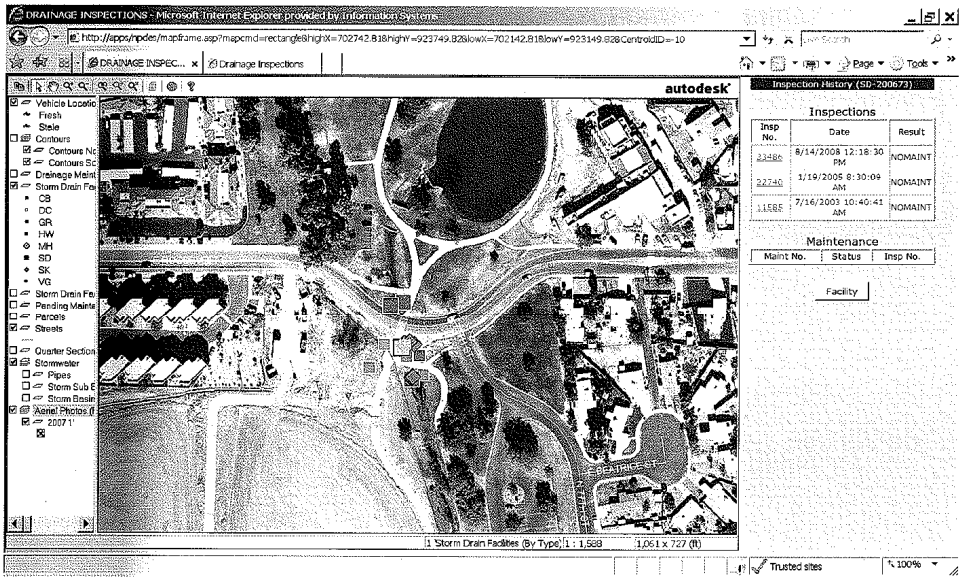


Exhibit 9. The Outfall No. 3927 inspection record for November 5, 2008 states "IB Outfall," designating that this is an outfall to Indian Bend Wash.

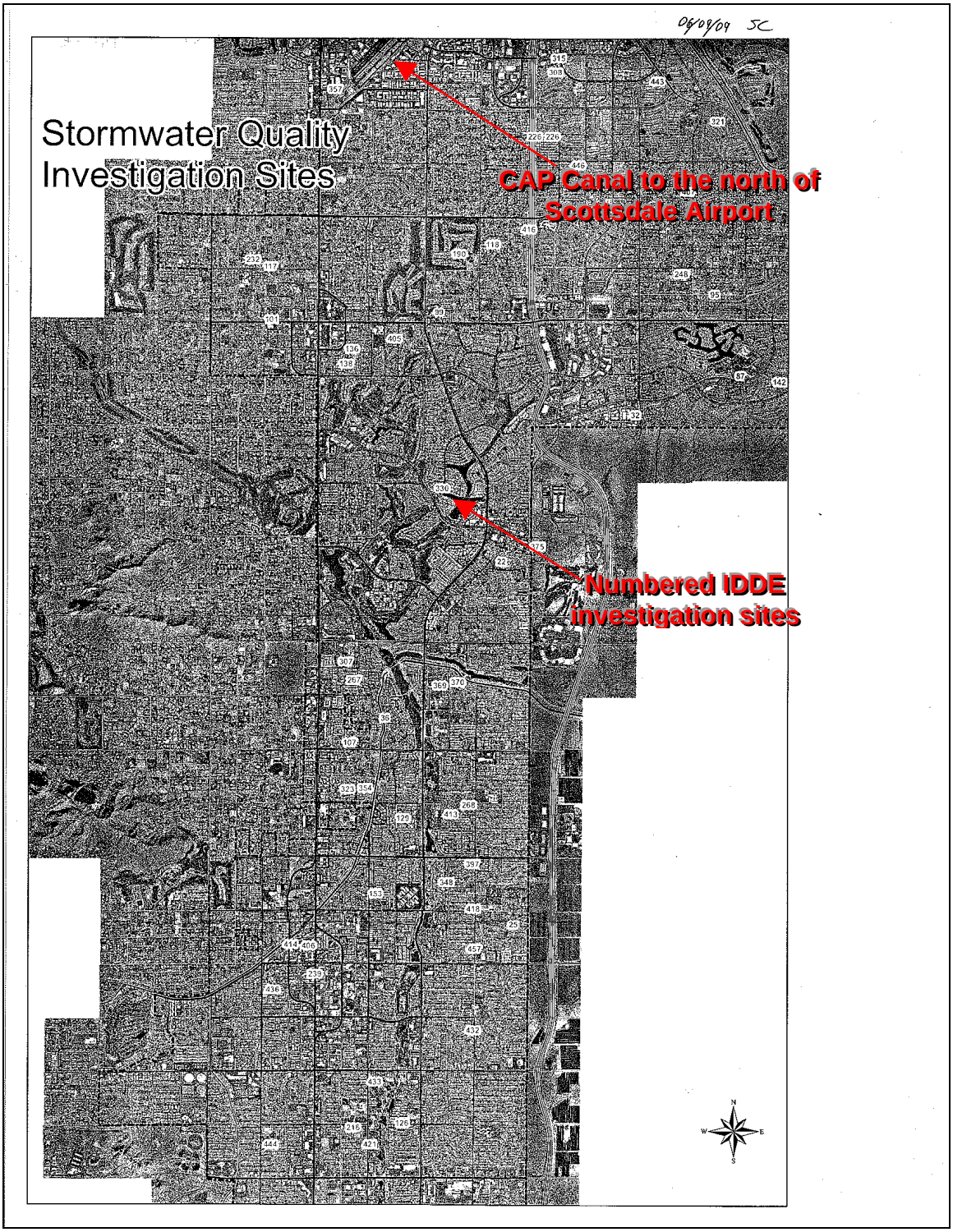


Exhibit 10. A map of illicit discharge complaint investigations conducted by the City's Stormwater Management personnel does not depict the area located north of the CAP Canal.

SIGNIFICANT INDUSTRIAL USERS LIST 2008
City of Scottsdale Water
Industrial Pretreatment Program

06/10/09

S.I.U. & Service Address	Contact & Mailing Address	40-CFR, Phone, FAX, e-mail
1. The Henkel /Dial Corporation 15101 N. Scottsdale Rd. Scottsdale, AZ 85254 COS#6000 SIC 1) 8730 2) 2841	Ms. Heidi Partlowe **The Dial Corporation** 15101 N. Scottsdale Rd. Scottsdale, AZ 85254	**Local Limits** (480) 754-5115 ph (480) 754-6137 fax Heidi.Partlowe@us.henkel.com
2. Mayo Clinic Scottsdale 13400 East Shea Boulevard Scottsdale, AZ 85259 COS#6002 SIC 8062	Mr. Paul Hottenstein **Mayo Clinic Scottsdale** 13400 East Shea Boulevard Scottsdale, AZ 85259	**Local Limits** 480-301-6403 phone 480-301-8429 fax 480-301-7166 pager hottenstein.paul@mayo.edu
3. Microsemi Corporation 8700 E. Thomas Rd. Scottsdale, AZ 85251 COS#6003 SIC 3471	Mr. Ray Headings **Microsemi Corporation** PO Box 1390 Scottsdale, AZ 85252	**40-CFR-433.15** Phone: 480-312-8795 Fax: 480-312-8728 Mobile: 605-933-0440 rheadings@microsemi.com
4. General Dynamics 8201 E. McDowell Rd. MD H2308 Scottsdale, AZ 85252 COS#6004 SIC 3674	Ms. Laurie Jacobson **General Dynamics** 8201 E. McDowell Rd. MD H2308 Scottsdale, AZ 85252	**40-CFR-469** 480-441-8941 phone 480-441-5695 fax laurie.jacobson@gdds.com
5. Scottsdale HealthCare Osborn 7400 E. Osborn Scottsdale, AZ 85251 COS#6006 SIC 8062	Mr. Kent Brewer **Scottsdale HealthCare Osborn** 7400 E. Osborn Scottsdale, AZ 85251	**Local Limits** 480-675-4952 phone 480-675-4519 fax kbrewer@shc.org
6. Scottsdale HealthCare Shea 10250 North 92nd Street Scottsdale, AZ 85258 COS#6007 SIC 8062	Mr. Eric Hammer **Scottsdale HealthCare Osborn** 7400 E. Osborn Scottsdale, AZ 85251	**Local Limits** 480-323-3560 phone 480-323-3570 fax ehammer@shc.org

N. of the canal

NPDES Permit No. AZ0020524
For the Year Ending December 31, ~~2007~~ 2008

02/02/2009

Exhibit 11. The City's IPP Significant Industrial Users List 2008 states "N. of the canal" as a handwritten note.

TRIF ID	Chemical	Industry Type	Industry	NAICS	Parent Company	Name	Address	City	County	State	Zip	Latitude	Longitude	RCRA ID	Year
85239NTDMTNEINT	NITRATE COMPOUNDS	Core	327 Stone/Clay/Glass	327320 Ready-Mix Concrete Manufacturing	CEMEX	UNITED METRO MATERIALS INC (DBA CEMEK SACATON PLANT)	NE INSTERSECTION OF MARICOPA RD & GILA RIVER	SCOTTSDALE	Maricopa, AZ	Arizona	85259	33.175	-111.993055	AZD982487563	2007
85252MCRSM8700E	HYDROGEN FLUORIDE	Core	334 Computers/Electronic Products	334413 Semiconductor and Related Device Manufacturing	MICROSEMI CORP. IRVINE CALIFORNIA	MICROSEMI CORP	8700 E THOMAS RD	SCOTTSDALE	Maricopa, AZ	Arizona	85251	33.48036	-111.894117	AZD000024745	2007
85252MCRSM8700E	LEAD COMPOUNDS	Core	334 Computers/Electronic Products	334413 Semiconductor and Related Device Manufacturing	MICROSEMI CORP. IRVINE CALIFORNIA	MICROSEMI CORP	8700 E THOMAS RD	SCOTTSDALE	Maricopa, AZ	Arizona	85251	33.48036	-111.894117	AZD000024745	2007
85252MCRSM8700E	NITRATE COMPOUNDS	Core	334 Computers/Electronic Products	334413 Semiconductor and Related Device Manufacturing	MICROSEMI CORP. IRVINE CALIFORNIA	MICROSEMI CORP	8700 E THOMAS RD	SCOTTSDALE	Maricopa, AZ	Arizona	85251	33.48036	-111.894117	AZD000024745	2007
85252MCRSM8700E	NITRIC ACID	Core	334 Computers/Electronic Products	334413 Semiconductor and Related Device Manufacturing	MICROSEMI CORP. IRVINE CALIFORNIA	MICROSEMI CORP	8700 E THOMAS RD	SCOTTSDALE	Maricopa, AZ	Arizona	85251	33.48036	-111.894117	AZD000024745	2007
85252MCRSM8700E	XYLENE (MIXED ISOMERS)	Core	334 Computers/Electronic Products	334413 Semiconductor and Related Device Manufacturing	MICROSEMI CORP. IRVINE CALIFORNIA	MICROSEMI CORP	8700 E THOMAS RD	SCOTTSDALE	Maricopa, AZ	Arizona	85251	33.48036	-111.894117	AZD000024745	2007
85252MTRLN8201E	LEAD	Core	334 Computers/Electronic Products	334220 Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing	GENERAL DYNAMICS CORP	GENERAL DYNAMICS C4 SYSTEMS	8201 E MCDOWELL RD	SCOTTSDALE	Maricopa, AZ	Arizona	85257	33.46575	-111.904114	AZD008399636	2007

Exhibit 12. The EPA Inspection Team conducted its own query of the TRI database and determined that at least three facilities that are subject to SARA Title III are within the jurisdiction of the permittee.

06/17/09
SL

I. INTRODUCTION

Westcor Aviation ("Westcor"), its tenants and affiliates operate private and charter aircraft service, maintenance and storage at 7305 E. Greenway Rd., Scottsdale, Arizona (the "Property").

The City of Scottsdale (the "City") adopted Ordinance 159 on September 13, 1962 creating the Industrial Park District (I-1). The Property is zoned I-1 and for over thirty years has operated, as described above, including heliports/helipads with the City's full knowledge. The Property currently has two (2) existing Use Permits: the first, 39-UP-77 for private aircraft storage and the second, 57-UP-84 for heavy aircraft maintenance.

Both the City and Westcor assumed that the heliport/helipad component of Westcors operations was permitted either by right or as part of the previously approved Use Permits. Approval of this Use Permit application clarifies this misunderstanding and shall entitle the Property with the right to operate helipads / heliports and General Aviation Specialty Services, Article 7, Airport Minimum Operating Standards dated January 1, 2008.

This Use Permit application for helipads / heliports is a "housecleaning" action necessitated by a review by other governmental agencies of all aviation related airpark uses. Westcor, through its operations, connects Scottsdale to corporate travel, tourism and new and existing business opportunities and will continue to do so. To date we are unaware of any concerns relative to the impact of Westcors operations.

II. USE PERMIT CRITERIA

Section 1.401.A outlines the criteria used to determine if a conditional use is materially detrimental to the public health, safety or welfare. The following factors are identified to determine if a conditional use meets the criteria for the granting of a permit:

1. The use does not create damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

   Response: Attached hereto please find Technical Data sheets pertaining to the types of helicopters currently or

31-UP-2008
1st: 12/3/2008

Exhibit 13. The Westcor Aviation facility does not have Industrial General Permit coverage and has therefore operated without a permit for over 30 years.

IPP / Industrial Inspection

06/09/09 SL

CITY OF SCOTTSDALE
WATER QUALITY DIVISION
I N S P E C T I O N R E P O R T
8787 E. Hualapai Dr.
Scottsdale, AZ 85255

Type of Inspection
Permit ☒
Routine ☒
Demand ☐

Telephone#
(480) 312-8749
FAX#
(480) 312-8728

Section A -Facility Information

Name/Address	Inspection Date
General Dynamics C4 Systems	12-18-08
8201 E. Mcdowell Rd.	Permit #
Scottsdale,Az 85252	A-04
Billing Address	Effective Date
same	12-25-08
	Expiration Date
	12-25-12

WORK FORCE

Shifts Per Day	Number of Employees	Working Hours	Days/Week
1- 1st shift	4500	0700-1600	m-f
2- 2nd shift			
3- 3rd shift			

Responsible Company Official: Laurie Jacobson
Title: Manager, EHS Phone #: 480-441-8941

Facility Representative: same as above
Title: Phone #:

Section B - Facility Summary

S = Satisfactory U = Unsatisfactory M = Marginal N/A = Non-Applicable

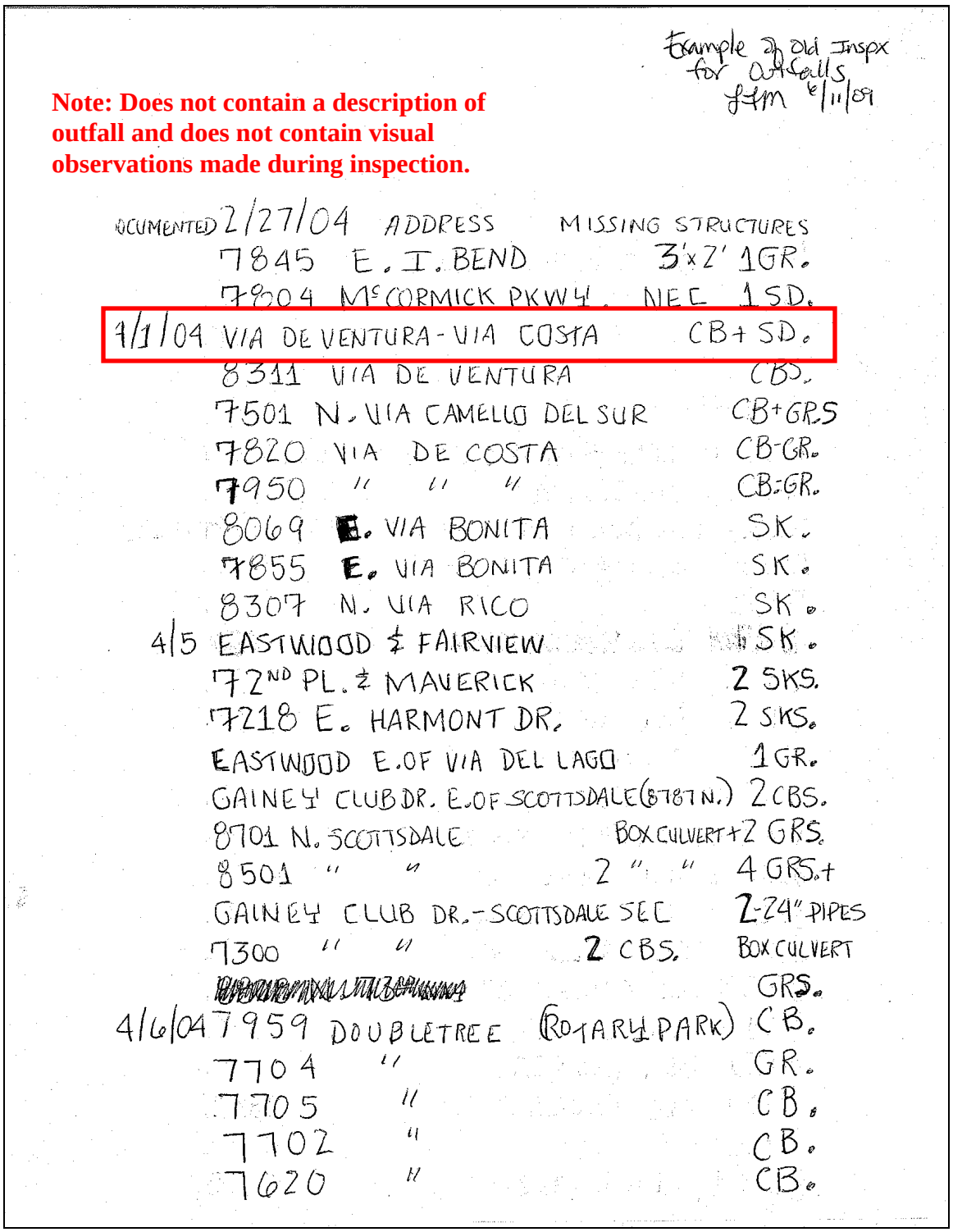
S	Permit Verification	N/A	Metal Finishing	S	Lab. Practices
S	Management Practices	S	Flow Measuring	S	Records and Reports
S	Operation & Maint.	S	Sampling Procedures	N/A	Compliance Schedule

Section C - Inspecting Officials

Name: Harry Tolmachoff	Title: Water Quality Specialist
Name:	Title:
Name:	Title:
Name:	Title:

City of Scottsdale Inspection Report (form tool INSPECT) Page 1 of 9

Exhibit 14. Excerpt from the the City's IPP inspection checklist.



Example of old Inspx for outfalls
JM 6/11/09

Note: Does not contain a description of outfall and does not contain visual observations made during inspection.

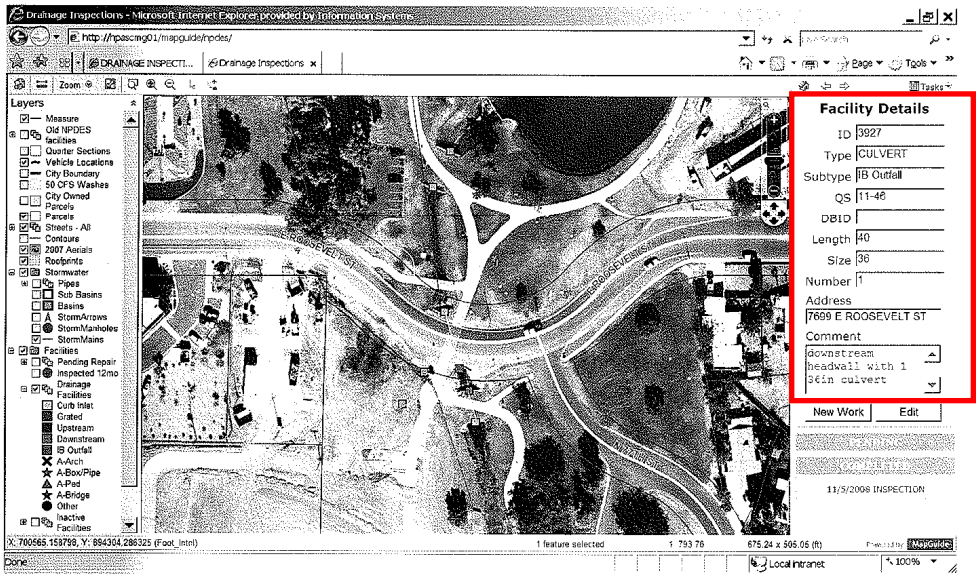
DOCUMENTED	ADDRESS	MISSING STRUCTURES
2/27/04	7845 E. I. BEND	3'x2' 1GR.
	7904 McCORMICK PKWY. NEC	1 SD.
9/1/04	VIA DE VENTURA - VIA COSTA	CB + SD.
	8311 VIA DE VENTURA	CBS.
	7501 N. VIA CAMELLO DEL SUR	CB + GRS
	7820 VIA DE COSTA	CB-GR.
	7950 " " "	CB-GR.
	8069 E. VIA BONITA	SK.
	7855 E. VIA BONITA	SK.
	8307 N. VIA RICO	SK.
4/5	EASTWOOD & FAIRVIEW	SK.
	72ND PL. & MAVERICK	2 SKS.
	7218 E. HARMONT DR.	2 SKS.
	EASTWOOD E. OF VIA DEL LAGO	1 GR.
	GAINEY CLUB DR. E. OF SCOTTSDALE (8787 N.)	2 CBS.
	8701 N. SCOTTSDALE	BOX CULVERT + 2 GRS.
	8501 " "	2 " " 4 GRS. +
	GAINEY CLUB DR. - SCOTTSDALE SEC	2-24" PIPES
	7300 " "	2 CBS. BOX CULVERT
	[redacted]	GRS.
4/6/04	7959 DOUBLETREE (ROTARY PARK)	CB.
	7704 "	GR.
	7705 "	CB.
	7702 "	CB.
	7620 "	CB.

Exhibit 15. Hand written outfall inspections (old system field forms)

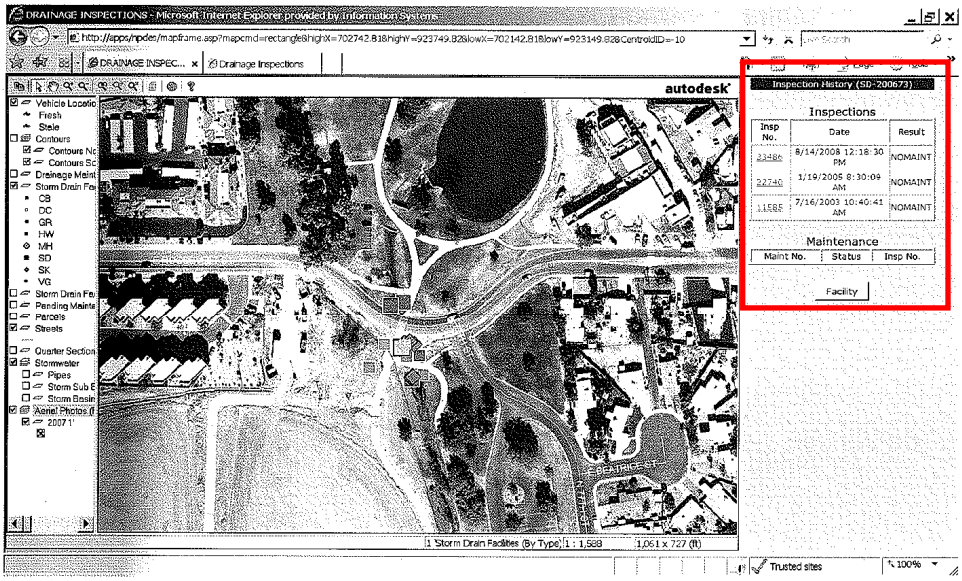
City of Scottsdale NPDES old and new system example screen shots Page 1 of 4

06/10/09 SC

(Area in present NPDES system corresponding to List of Outfalls Outfall ID 020090)



(Area in old NPDES system corresponding to List of Outfalls Outfall ID 020090)



Old and new system inspection forms do not include a comment field for descriptions or visual observations made for outfalls.

Exhibit 16. Outfall inspection records.

ASSET NO. _____

LOCATION _____

DATE _____

CATCH BASINS/INLET STRUCTURES – Y or N

Inspect facilities for the following:

Y N
☐ ☐ Needs immediate repair of structural integrity repair (SIR).
☐ ☐ Sediment build-up - (SB).
☐ ☐ Broken or unsecured drain gates/repair - (DGR).
☐ ☐ Unlawful significant materials, i.e. fuels, solvents, detergents, finished materials, hazardous substances - (USM).

ILLICIT DISHARGE – Y or N

During routine maintenance of conveyance system and drainage structures field staff should look for evidence of illegal discharges:

Y N
☐ ☐ Evidence of spills, i.e. paints, discoloring, etc.
☐ ☐ Odors associated with drainage system.
☐ ☐ Recorded locations of apparent illegal discharges?
☐ ☐ Track Flows back to potential dischargers, if possible, and conduct above-ground Inspections? (Can be done through visual inspection of up-gradient manholes.)

LIST OF LAWFUL RELEASES

- Fire hydrant flushing.
- Potable water systems, including water line flushing.
- Foundation or footing drains that are not contaminated by pollutants.
- Naturally occurring seeps, spring, wetlands.
- Non-agricultural irrigation water.
- Vehicle washing for not-for-profit fundraisers for educational or public service groups.
- Residential evaporative coolers or air conditioner condensate.
- Dust control watering.

REPORTING PROCEDURES

- Inspection Log (NPDES SYSTEM)
  - Log inspections into NPDES daily.
  - Log all completed repairs into the NPDES daily. In the comment field, include repairs made and materials used. List vendor who did the repair, if it was contracted out, e.g. vactoring.

- Illicit Discharges
  - Report illicit discharged to Maintenance Coordinator by e-mail, giving the Asset No. for the facility and the location. Describe observations.
  - Note your inspection observations and the steps you took to locate the source of an illicit discharge in the Comment field in the NPDES system.

Exhibit 17. Drainage system inspection checklist (not yet implemented).

Dry weather ?

NPDES Completed Work Order Details

Report filtered for Work Orders with Closed Date between 7/1/2008 and 6/30/2009
Where work order was closed by: 3 User(s): PERL, JZAPPANT, CHAN
Where work equals any of: 1 Task(s): Inspection

Click here to reveal/hide detail

ID	QS	Street Address	Work Comment	Type	Subtype	Closed Date
Count of Inspection Locations: 930						
8432	09-46			CULVERT	IB Outfall	Jan 06, 2009
8442	09-46			CULVERT	IB Outfall	Jan 07, 2009
8444	09-46			CULVERT	IB Outfall	Jan 07, 2009
8449	09-46			CULVERT	IB Outfall	Jan 22, 2009
3927	11-46	7699 E		CULVERT	IB Outfall	Nov 05, 2008
3928	11-46	7700 E		CULVERT	IB Outfall	Nov 05, 2008
3548	12-46	7607 E		BOX	IB Outfall	Nov 05, 2008
3929	12-46	7700 E		CULVERT	IB Outfall	Nov 05, 2008
3930	12-46	7700 E		CULVERT	IB Outfall	Nov 05, 2008
3597	14-46	1901 N		BOX	IB Outfall	Feb 19, 2009
3599	14-46	1901 N		BOX	IB Outfall	Feb 19, 2009
3600	14-46	7755 E		Medallion	IB Outfall	Feb 19, 2009
3601	14-46	7811 E		CULVERT	IB Outfall	Feb 19, 2009
3602	14-46	7919 E		CULVERT	IB Outfall	Feb 19, 2009
3603	14-46	7825 E		CULVERT	IB Outfall	Feb 19, 2009
4317	15-46	7920 E		CULVERT	IB Outfall	Feb 19, 2009
4318	15-46	7920 E		CULVERT	IB Outfall	Feb 19, 2009
4319	15-46	7920 E		BOX	IB Outfall	Feb 19, 2009
4320	15-46	7920 E		BOX	IB Outfall	Feb 19, 2009
4321	15-46	7791 E		CULVERT	IB Outfall	Feb 19, 2009
4328	15-46	7802 E		CULVERT	IB Outfall	Feb 19, 2009
6110	16-46	7920 E		CULVERT	IB Outfall	Feb 19, 2009
6111	16-46	7920 E		BOX	IB Outfall	Jan 07, 2009
6112	16-46	7920 E		CULVERT	IB Outfall	Feb 19, 2009
6115	16-46	7920 E		CULVERT	IB Outfall	Feb 19, 2009
6174	17-46	4425 N 78TH		BOX	IB Outfall	Jan 07, 2009
6180	17-46	7920 E		BOX	IB Outfall	Jan 07, 2009
6245	18-46	7955 E		BOX	IB Outfall	Jan 07, 2009
6247	18-46	7955 E		CULVERT	IB Outfall	Jan 07, 2009
6727	20-46	5995 N 78TH		BOX	IB Outfall	Jan 07, 2009
6733	20-46	5701 N 79TH		CULVERT	IB Outfall	Jan 07, 2009
3081	22-46	7609 E INDIAN		CULVERT	IB Outfall	Jan 06, 2009
7222	22-46	7609 E INDIAN		CULVERT	IB Outfall	Jan 06, 2009
7223	22-46	7609 E INDIAN		CULVERT	IB Outfall	Jan 06, 2009
7224	22-46	7609 E INDIAN		BOX	IB Outfall	Jan 06, 2009
7225	22-46	7609 E INDIAN		BOX	IB Outfall	Jan 06, 2009

Exhibit 18. City Park's outfall inspection list.

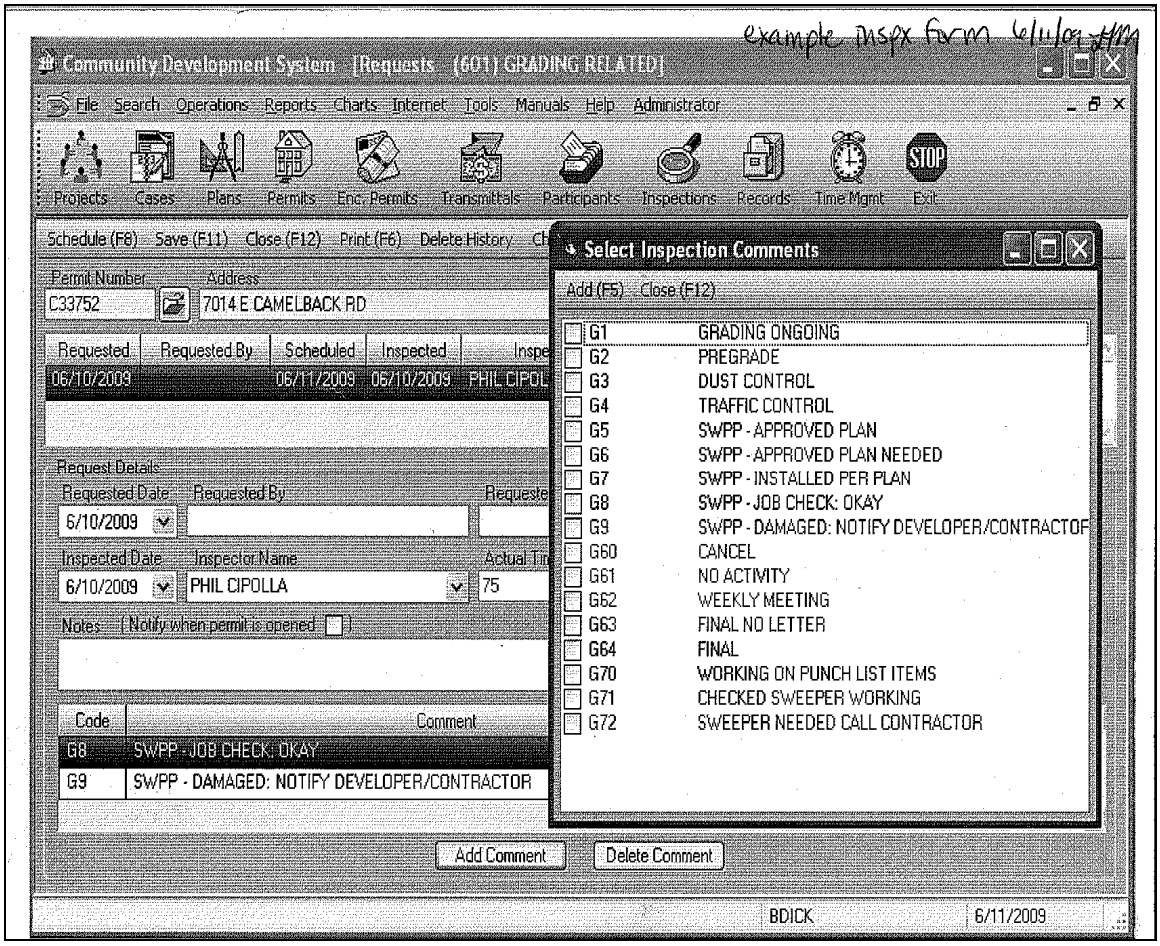


Exhibit 19. Example construction inspection record (Note: there are no fields to identify or evaluate BMPs at a site).

Inspx record from Fashion Square 6/11/09 KM

Encroachment Permit Request History

Permit # C33752 **Address:** 7014 E CAMELBACK RD
Subdivision: **Lot:**

Requested	Scheduled	Inspected	Inspector	Actual Time	Status
501 DRAINAGE RELATED					
04/04/2008	04/07/2008	04/07/2008	PHIL CIPOLLA	45	P
501 DRAINAGE RELATED					
04/02/2008	04/03/2008	04/03/2008	PHIL CIPOLLA	30	P
501 DRAINAGE RELATED					
03/31/2008	04/01/2008	04/01/2008	PHIL CIPOLLA	45	P
501 DRAINAGE RELATED					
03/31/2008	04/01/2008	04/01/2008	PHIL CIPOLLA	45	P
501 DRAINAGE RELATED					
03/27/2008	03/28/2008	03/28/2008	PHIL CIPOLLA	60	P
501 DRAINAGE RELATED					
03/27/2008	03/28/2008	03/28/2008	PHIL CIPOLLA	60	P
501 DRAINAGE RELATED					
03/26/2008	03/27/2008	03/27/2008	MIKE YOUNG	15	P
501 DRAINAGE RELATED					
03/25/2008	03/26/2008	03/26/2008	PHIL CIPOLLA	60	P
501 DRAINAGE RELATED					
03/25/2008	03/26/2008	03/26/2008	PHIL CIPOLLA	60	P
501 DRAINAGE RELATED					
03/20/2008	03/21/2008	03/21/2008	PHIL CIPOLLA	15	P
501 DRAINAGE RELATED					
03/19/2008	03/20/2008	03/20/2008	PHIL CIPOLLA	30	P
501 DRAINAGE RELATED					
03/19/2008	03/20/2008	03/20/2008	PHIL CIPOLLA	30	P
501 DRAINAGE RELATED					
03/18/2008	03/19/2008	03/19/2008	PHIL CIPOLLA	30	P
	Notes: ALSO THEY WERE OUT ON SCTTS RD LAST NIGHT POTHOLING STORM PIPE				
501 DRAINAGE RELATED					
03/18/2008	03/19/2008	03/19/2008	PHIL CIPOLLA	30	P
	Notes: ALSO THEY WERE OUT ON SCTTS RD LAST NIGHT POTHOLING STORM PIPE				
501 DRAINAGE RELATED					

Page 14 Of 15 6/11/2009

Exhibit 20. Example inspection record (Note: records do not include detailed descriptions indicating that inspectors are observing and assessing BMPs).

from Reflections inspx records 6/11/2009 JM

Encroachment Permit Request History

Permit # C32865 **Address:** 7445 E CHAPARRAL RD
Subdivision: PARADISE VILLAGE **Lot:** 22

Requested	Scheduled	Inspected	Inspector	Actual Time	Status
501 DRAINAGE RELATED					
09/11/2008	09/12/2008	09/11/2008	PHIL CIPOLLA	30	P
501 DRAINAGE RELATED					
09/11/2008	09/12/2008	09/11/2008	PHIL CIPOLLA	30	P
501 DRAINAGE RELATED					
04/09/2008	04/10/2008	04/09/2008	PHIL CIPOLLA	15	P
901 MISC RELATED					
04/17/2008	04/18/2008	04/17/2008	PHIL CIPOLLA	90	P
	Notes: TAKE PICTURES OF SWPP FAILURE AT BOX CULVERT				
901 MISC RELATED					
04/17/2008	04/18/2008	04/17/2008	PHIL CIPOLLA	90	P
	Notes: TAKE PICTURES OF SWPP FAILURE AT BOX CULVERT				

Page 14 Of 14 6/11/2009

Exhibit 21. Example of a lack of description on construction inspection records that do not indicate follow-up actions.

monitoring summary
2007 Annual Report
JHM 6/9/09

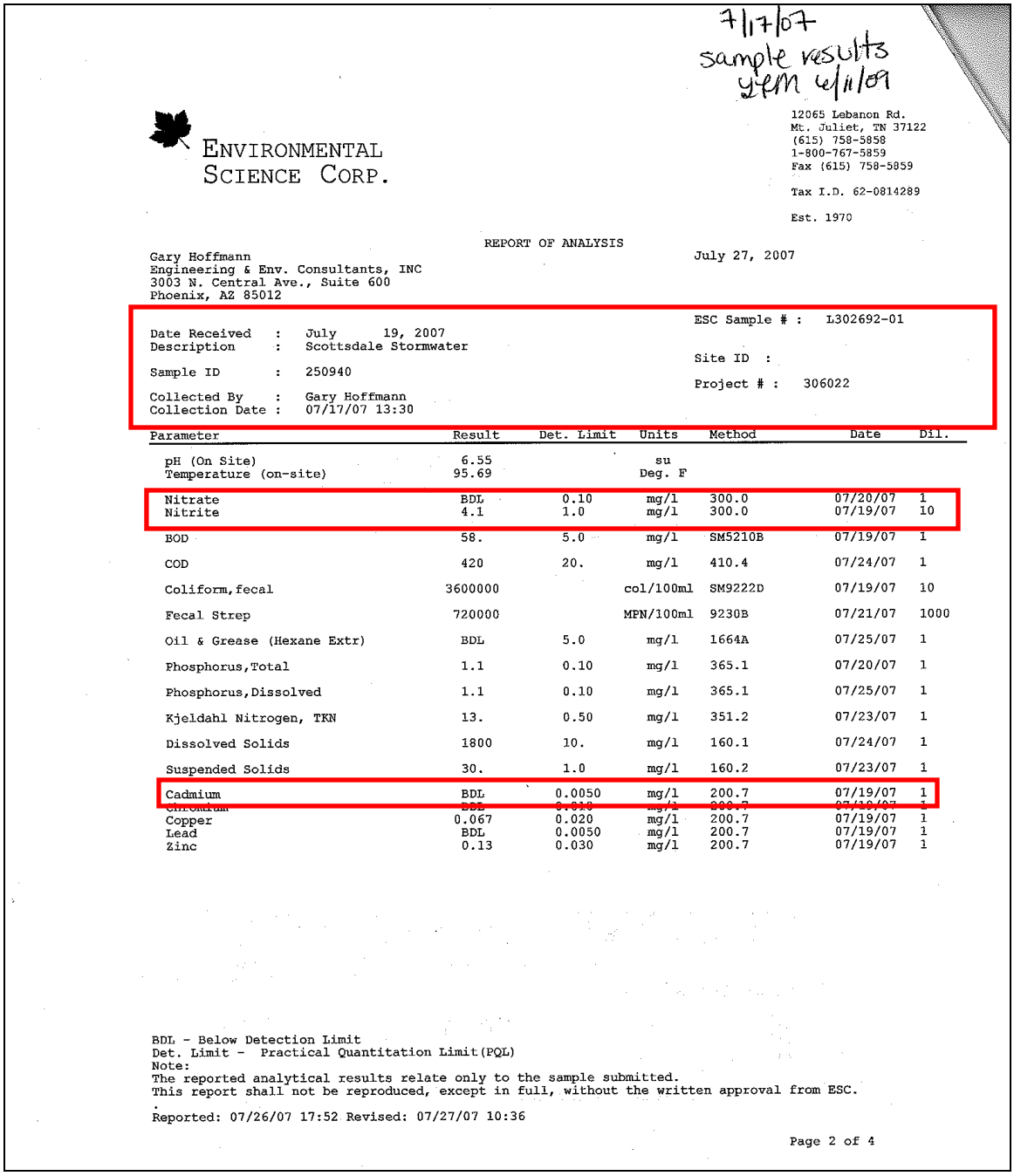
Sample Results July 17, 2007

Constituent	Sampling Location and Result (mg/L) 250940	130570	SWQS mg/L
Total Dissolved Solids (TDS)	1800	--	NNS
Total Suspended Solids (TSS)	30	--	NNS
Coliform, fecal	3600000	--	NNS
Fecal Strep	720000	--	NNS
BOD	58	--	NNS
COD	420	--	NNS
pH	6.55	--	NNS
Temperature	95.69	--	NNS
Nitrite	<0.10	--	140
Nitrate	4.1	--	2,240
Total Kjeldahl Nitrogen (TKN)	13	--	NNS
Cadmium (Cd)	<.00050	--	NNS
Chromium (Cr)	<0.010	--	.1
Copper (Cu)	0.067	--	1.3
Lead (Pb)	<0.0050	--	.015
Zinc (Zn)	0.13	--	420.
Phosphorus, Total	1.1	--	NNS
Dissolved Phosphorous	1.1	--	NNS
Oil & Grease	<5.0	--	NNS

Sample Results July 24, 2007

Constituent	Sampling Location and Result (mg/L) 250940	130570	SWQS mg/L
Total Dissolved Solids (TDS)	1400	--	NNS
Total Suspended Solids (TSS)	130	--	NNS
Coliform, fecal	260000	--	NNS
Fecal Strep	51000	--	NNS
BOD	29	--	NNS
COD	360	--	NNS
pH	6.69	--	NNS
Temperature	85	--	NNS
Nitrite	<0.10	--	140
Nitrate	<0.10	--	2,240
Total Kjeldahl Nitrogen (TKN)	10	--	NNS
Cadmium (Cd)	<0.0050	--	NNS
Chromium (Cr)	<0.010	--	.1
Copper (Cu)	0.036	--	1.3
Lead (Pb)	<0.0050	--	.015
Zinc (Zn)	0.24	--	420.
Phosphorus, Total	0.94	--	NNS
Dissolved Phosphorous	0.66	--	NNS
Oil & Grease	<5.0	--	NNS

Exhibit 22. Analytical results reported in the City's 2007 Annual Report (Note: monitoring results lack required information).



7/17/07
sample results
ym 6/11/09

ENVIRONMENTAL
SCIENCE CORP.

12065 Lebanon Rd.
Mt. Juliet, TN 37122
(615) 758-5858
1-800-767-5859
Fax (615) 758-5859

Tax I.D. 62-0814289

Est. 1970

REPORT OF ANALYSIS

July 27, 2007

Gary Hoffmann
Engineering & Env. Consultants, INC
3003 N. Central Ave., Suite 600
Phoenix, AZ 85012

ESC Sample # : L302692-01

Date Received : July 19, 2007
Description : Scottsdale Stormwater

Site ID :

Sample ID : 250940

Project # : 306022

Collected By : Gary Hoffmann
Collection Date : 07/17/07 13:30

Parameter	Result	Det. Limit	Units	Method	Date	Dil.
pH (On Site)	6.55		su			
Temperature (on-site)	95.69		Deg. F			
Nitrate	BDL	0.10	mg/l	300.0	07/20/07	1
Nitrite	4.1	1.0	mg/l	300.0	07/19/07	10
BOD	58.	5.0	mg/l	SM5210B	07/19/07	1
COD	420	20.	mg/l	410.4	07/24/07	1
Coliform,fecal	3600000		col/100ml	SM9222D	07/19/07	10
Fecal Strep	720000		MPN/100ml	9230B	07/21/07	1000
Oil & Grease (Hexane Extr)	BDL	5.0	mg/l	1664A	07/25/07	1
Phosphorus,Total	1.1	0.10	mg/l	365.1	07/20/07	1
Phosphorus,Dissolved	1.1	0.10	mg/l	365.1	07/25/07	1
Kjeldahl Nitrogen, TKN	13.	0.50	mg/l	351.2	07/23/07	1
Dissolved Solids	1800	10.	mg/l	160.1	07/24/07	1
Suspended Solids	30.	1.0	mg/l	160.2	07/23/07	1
Cadmium	BDL	0.0050	mg/l	200.7	07/19/07	1
Chromium	BDL	0.010	mg/l	200.7	07/19/07	1
Copper	0.067	0.020	mg/l	200.7	07/19/07	1
Lead	BDL	0.0050	mg/l	200.7	07/19/07	1
Zinc	0.13	0.030	mg/l	200.7	07/19/07	1

BDL - Below Detection Limit
Det. Limit - Practical Quantitation Limit(PQL)
Note:
The reported analytical results relate only to the sample submitted.
This report shall not be reproduced, except in full, without the written approval from ESC.
.
Reported: 07/26/07 17:52 Revised: 07/27/07 10:36

Page 2 of 4

Exhibit 23. Laboratory records of monitoring information lack the required information for individual(s) who performed the analysis; nitrate, nitrite, and cadmium [also see Exhibit 21].

Attachment A
List of Analytes with QC Qualifiers

Sample #	Analyte	Qualifier
L302692-01	Fecal Strep	T8
	BOD	J4
	Coliform,fecal	T8

Page 3 of 4

Exhibit 24. Laboratory qualifier codes.

Attachment B
Explanation of QC Qualifier Codes

Qualifier	Meaning
J4	The associated batch QC was outside the established quality control range for accuracy.
T8	(ESC) - Additional method/sample information: Sample(s) received past/too close to holding time expiration.

Qualifier Report Information

ESC utilizes sample and result qualifiers as set forth by the EPA Contract Laboratory Program and as required by most certifying bodies including NELAC. In addition to the EPA qualifiers adopted by ESC, we have implemented ESC qualifiers to provide more information pertaining to our analytical results. Each qualifier is designated in the qualifier explanation as either EPA or ESC. Data qualifiers are intended to provide the ESC client with more detailed information concerning the potential bias of reported data. Because of the wide range of constituents and variety of matrices incorporated by most EPA methods,it is common for some compounds to fall outside of established ranges. These exceptions are evaluated and all reported data is valid and useable unless qualified as 'R' (Rejected).

Definitions

Accuracy - The relationship of the observed value of a known sample to the true value of a known sample. Represented by percent recovery and relevant to samples such as: control samples, matrix spike recoveries, surrogate recoveries, etc.

Precision - The agreement between a set of samples or between duplicate samples. Relates to how close together the results are and is represented by Relative Percent Differrence.

Surrogate - Organic compounds that are similar in chemical composition, extraction, and chromotography to analytes of interest. The surrogates are used to determine the probable response of the group of analytes that are chemically related to the surrogate compound. Surrogates are added to the sample and carried through all stages of preparation and analyses.

	Control Limits			(AQ)	(SS)
2-Fluorophenol	31-119	Nitrobenzene-d5	43-118	Dibromfluoromethane 68-128	64-125
Phenol-d5	12-134	2-Fluorobiphenyl	45-128	Toluene-d8 76-115	69-118
2,4,6-Tribromophenol	51-141	Terphenyl-d14	43-137	4-Bromofluorobenzene 79-127	61-134

TIC - Tentatively Identified Compound: Compounds detected in samples that are not target compounds, internal standards, system monitoring compounds, or surrogates.

Page 4 of 4

Exhibit 25. Description of laboratory qualifier codes.

Table 3-12
ANALYTICAL PARAMETERS FOR PERMIT TERM SAMPLING
City of Scottsdale - Part 2 Application

Parameter	Sample Type	EPA Method	Target Reporting Limit	Maximum Allowable Holding Time	Preservation Methods and Sample Bottle Types
CONVENTIONAL					
Total Suspended Solids (TSS)	Composite	160.2	4 mg/L	7 days	4°C
Total Dissolved Solids (TDS)	Composite	160.1	10 mg/L	7 days	4°C
Biochemical Oxygen Demand (BOD_5)	Composite	405.1	1 mg/L	48 hours	4°C
Chemical Oxygen Demand (COD)	Composite	410.1	1 mg/L	28 days	4°C, pH<2 with H_2SO_4
NUTRIENTS					
Total Phosphate	Composite	365.2	0.05 mg/L	28 days	4°C, pH<2 with H_2SO_4
Dissolved Phosphate	Composite	365.2	0.05 mg/L	48 hours	Field filter with 0.45 micron filter
Total Kjeldahl Nitrogen (TKN)	Composite	351.2	0.1 mg/L	28 days	4°C, pH<2 with H_2SO_4
Nitrate and Nitrite	Composite	352.1	0.05 mg/L	28 days	4°C
MICROBIOLOGICAL					
Fecal Coliform	Grab	SM 9221E	2 MPN/100 mL	6 hours	4°C
Fecal Streptococci	Grab	SM 9230B	2 MPN/100 mL	6 hours	4°C
METALS					
Cadmium (Total)	Composite	213.2	0.2 mg/L	6 months	pH<2 with HNO_3
Chromium (Total)	Composite	218.2	1 µg/L	6 months	pH<2 with HNO_3
Copper (Total)	Composite	220.2	1 µg/L	6 months	pH<2 with HNO_3
Lead (Total)	Composite	239.2	1 µg/L	6 months	pH<2 with HNO_3
Zinc (Total)	Composite	289.2	1 µg/L	6 months	pH<2 with HNO_3
ORGANIC COMPOUNDS					
Total Oil and Grease	Grab	413.2	0.2 mg/L	7 days (to extraction)	4°C, pH<2 with H_2SO_4

Notes:
SM = Standard Methods for the Examination of Water and Wastewater
MPN = Most Probable Number of Organisms

Woodward-Clyde S:\98-FILES\98A289\Report\Table3-x

Exhibit 26. City's analytical parameter list for storm water monitoring (Note: DDE is not included).

Appendix C
Photograph Log

Photograph 1. Scottsdale Airpark – Westco Aviation, a private and charter aircraft service, maintenance, and storage facility at 7305 E. Greenway Road.

Photograph 2. Scottsdale Airpark – Industrial activities such as aircraft service and storage were observed at the Westcor Aviation facility.

Photograph 3. Scottsdale Airpark – The owner of the Westcor Aviation facility has submitted an application to the City for a Conditional Use Permit (Case No. 31-UP-2008) to operate an off-airport heliport.

Photograph 4. Scottsdale Airpark – Aircraft fueling system located northeast of 7916 East Beck Lane in Scottsdale, Arizona

Photograph 5. Scottsdale Airpark – View of Aircraft fueling system located northeast of 7916 East Beck Lane; potential for spills and subsequent conveyance to storm drain system.

Photograph 6. View of sediment release along the east side of the Scottsdale Fashion Square construction site, adjacent to Scottsdale Road.

Photograph 7. View of vehicle maintenance degreaser description.

Photograph 8. Floor degreasing wash area located in the vehicle maintenance area of the North Corporate Yard.

Photograph 9. Evidence of residue transport from designated degreasing area.

Photograph 10. Wash water entering storm drain from a water department vehicle.

Appendix D
General Permit Facility Inspection Reports

United States Environmental Protection Agency
Washington D.C. 20460

EPA Contractor NPDES Storm Water Compliance Inspection Report

Section A: National Data System Coding

Authorization Number	SIC Code	Acreage	Receiving Water / MS4
AZMSG-6128	4581	300	Indian Bend Wash and City of Scottsdale MS4

Section B: Facility Data

Name and Location of Facility Inspected	Entry Time/Date	Permit Effective Date
City of Scottsdale Municipal Airport **1500 North Airport Drive, Suite 200** **Scottsdale, AZ 85260**	**2:15 PM/ 06/08/2009**	**02/06/2003**
	Exit Time/Date **4:35 PM/ 06/08/2009**	Permit Expiration Date **N/A**

Name(s) of On-Site Representatives	Title(s)
Chris Read, Robert Summers	**Airport Operations Manager, and Facilities Maintenance Operator, respectively**

Name, Address of Responsible Official	Title / Phone Number	
Scott T. Gray **City of Scottsdale Municipal Airport** **1500 North Airport Drive, Suite 200** **Scottsdale, AZ 85260**	Title **Aviation Director**	
	Phone Number **480-312-2674**	Contacted: YES ___ NO _ **X** _

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	SWPPP	U	Records/Reports	S	Facility Site Review	N	Effluent/Receiving Waters	N	Self-Monitoring Program

Section D: **SITE DESCRIPTION (include description of facility)**

The City of Scottsdale Municipal Airport (Facility) is a general aviation airport with private, commercial, and governmental tenants. The Facility is located on approximately 300 acres and averages approximately 200,000 flight operations annually on one runway.

The Facility was inspected by a USEPA contractor regarding the National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit for Industrial Activities, issued in October 2000 (the Permit). The Permit expired October 30, 2005 and the Arizona Department of Environmental Quality (ADEQ) no longer accepts Notices of Intent for coverage under the Permit. Guidance issued by ADEQ states "until a new permit is issued, operators are expected to develop and implement storm water pollution prevention plans, best management practices and implement the appropriate sector-specific requirements described in the MSGP 2000 [the Permit]." The Facility's primary Standard Industrial Classification (SIC) Code is 4581, which is covered under Sector S of the Permit.

Pursuant to the NPDES Storm Water Multi-Sector General Permit for Industrial Activities and associated guidance issued by ADEQ, the inspection findings listed in Sections E and F of this report must be corrected.

Section E. Records Review

Note: A copy of the Storm Water Pollution Prevention Plan dated February 23, 2009 (SWPPP) was retained onsite and was reviewed during the inspection. The SWPPP states "the Indian Bend Wash is the receiving water for storm water discharged from the airport via five outfalls." The ADEQ Notice of Intent (NOI) Authorization further clarifies that the Indian Bend Wash is less than one mile from the Facility and identifies the Facility receiving waters as the Indian Bend Wash, and the City of Scottsdale municipal separate storm sewer system (MS4).

1. Part 2.1 of the Permit, Table 2—1 specifies the following deadlines for submitting NOIs: (1) for new discharges, two days prior to commencing operation of the facility…; and (2) for new owner/operator of existing discharges, two days prior to taking operational control. Part 1.4.2 of the Permit further requires submission of a Notice of Termination (NOT) 30 days after one of the following conditions have been met: (1) a new owner/operator has assumed responsibility for the [co-permittee] facility, or (2) operations have ceased at the facility and there no longer are discharges of storm water associated with industrial activity from the facility and the necessary sediment and erosion controls have been implemented.

   The SWPPP, Section 1.1.2, states "the Scottsdale Airport elected to be covered under the MSGP and has included tenants who conduct industrial activities on the Airport as co-permittees….The Scottsdale Airport manages the permitting of storm water discharges associated with industrial activities by assuming the roles of both program administrator and co-permittee to the participating Airport tenants." As the program administrator, the City of Scottsdale has attempted to manage the permitting for all co-permittees by submitting to ADEQ, new NOIs and updates to the list of co-permittees. However, the City of Scottsdale has not adequately managed the permitting of storm water discharges for all co-permittees as specified in the SWPPP, Section 1.1.2 and required by Part 1.4.2 and Part 2.1 of the Permit. Specifically, the submittals to ADEQ which include new NOIs and updates to the list of co-permittees, do not serve as NOTs. NOTs have not been submitted to ADEQ as required by Part 2.1 of the Permit (see attached Exhibit 1, for example). The submittals to ADEQ also do not demonstrate submission of NOIs within the deadlines required by Part 2.1 of the Permit. Furthermore, the submittals to ADEQ do not demonstrate submission of NOTs within the deadlines required by Part 1.4.2 of the Permit. As program administrator under the Permit, the City of Scottsdale must effectively manage the permitting of storm water discharges associated with industrial activities at the Facility by ensuring that NOIs and NOTs are submitted in accordance with Part 1.4.2 and Part 2.1 of the Permit.

Section F: Facility Site Review

Note: The EPA Contractor inspectors conducted site visits at the following locations: Air Commerce Center (see attached Photograph 1); Landmark Aviation, fueling farm (see attached Photographs 2 and 3); Landmark Aviation, airplane storage hangers; West Coast Wash Station; Airport outdoor wash rack; Airport covered washing hanger; and the Executive Aircraft Maintenance (EAM) hanger. Site conditions observed at the Facility generally indicated adequate housekeeping and pollution prevention practices.

06/08/09
SC

Aviation Division

15000 N. Airport Drive, Suite 200
Scottsdale, AZ 85260

PHONE 480-312-2321
FAX 480-312-8480
WEB www.ScottsdaleAZ.gov/airport

September 24, 2008

Storm Water Coordinator
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
1110 W. Washington, Street
Phoenix, AZ 85007

RE: Scottsdale Airport MSGP NPDES Notices of Intent

To Whom It May Concern:

Enclosed you will find two (2) new Notices of Intent (NOIs) for companies that are requesting to become co-permittees with Scottsdale Airport, and meet the requirements of the MSGP NPDES permit (AZR00A386). The new co-permittees that are submitting NOIs with this letter are as follows:

Panache Cleaning Solutions, LLC
Landmark Aviation, Inc.

The following companies have submitted NOIs previously, and should be currently listed as co-permittees in addition to the two (2) new companies listed above:

Scottsdale Air Center, LLC
Airport Properties I
Airport Properties II
E&J Aviation, Inc.
West Coast Wash Station
Propwash, Inc.
Southwest Flight Center
Midwest Jet Wash, LLC.
Alliance Aircraft Services
The Allen Groupe
Arizona Wing Waxers, LLC.

Please note that Smith Aircraft Services was listed as co-permittee during the past three years, and used to conduct business at Scottsdale Airport. Since they no longer conducts business at Scottsdale Airport, please remove them as a co-permittee to Scottsdale Airport's NPDES permit. Also, Corporate Jets, Inc. has changed their name to Landmark Aviation, Inc. therefore, they have also been removed from the existing co-permittee list an added to the group of new applicants.

Please contact me at (480) 312-2674 if you have any questions or concerns.

Sincerely,

Chris Read
Airport Operations Manager
City of Scottsdale

Enclosure – Four (4) Notices of Intent

c: Scott Gray, Aviation Director, Scottsdale Airport
Bill Erickson, City of Scottsdale

4942792v1 V:\Environmental\Stormwater_SWPPP\NOI List and Letters\NOI Transmittal Letter 2007.doc

Exhibit 1: NOTs have not been submitted to ADEQ as required by Part 2.1 of the Permit.

Site Photographs	City of Scottsdale Municipal Airport Scottsdale, Arizona	Photograph date: 06/08/2009

Photograph 1—Sign near an Air Commerce Center managed storage area and hangar

Photograph 2—Landmark Aviation fueling truck parking area

Photograph 3—Landmark Aviation fuel tank area

Photograph 4—View of airport detention basin, facing southeast

United States Environmental Protection Agency
Washington D.C. 20460

EPA Contractor NPDES Storm Water Compliance Inspection Report

Section A: National Data System Coding

Authorization Number	SIC Code	Acreage	Receiving Water / MS4
AZMSG-6129	4581		Indian Bend Wash and City of Scottsdale MS4

Section B: Facility Data

Name and Location of Facility Inspected	Entry Time/Date	Permit Effective Date
Landmark Aviation **14600 North Airport Drive** **Scottsdale, AZ 85260**	**1:30 PM/ 06/08/2009**	**02/06/2003**
	Exit Time/Date **2:30 PM/ 06/08/2009**	Permit Expiration Date **N/A**

Name(s) of On-Site Representatives	Title(s)	
Rod Summers	**Not Provided**	
Name, Address of Responsible Official	Title	
Scott T. Gray **City of Scottsdale Municipal Airport** **1500 North Airport Drive, Suite 200** **Scottsdale, AZ 85260**	**Aviation Director**	
	Phone Number **480-312-2674**	Contacted: YES _ **X** _ NO ___

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	SWPPP	S	Records/Reports	S	Facility Site Review	N	Effluent/Receiving Waters	N	Self-Monitoring Program

Section D: **SITE DESCRIPTION (include description of facility)**

Landmark Aviation (Discharger) is a tenant at the City of Scottsdale Municipal Airport, a general aviation airport. The Discharger primarily conducts truck fueling and storage activities.

The Discharger's activities were inspected by a USEPA contractor regarding the National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit for Industrial Activities, issued in October 2000 (the Permit). The Permit expired October 30, 2005 and the Arizona Department of Environmental Quality (ADEQ) no longer accepts Notices of Intent for coverage under the Permit. Guidance issued by ADEQ states "until a new permit is issued, operators are expected to develop and implement storm water pollution prevention plans, best management practices and implement the appropriate sector-specific requirements described in the MSGP 2000 [the Permit]." The Discharger's primary Standard Industrial Classification (SIC) Code is 4581, which is covered under Sector S of the Permit.

Section E. Records Review

Note: A copy of the Storm Water Pollution Prevention Plan dated February 23, 2009 (Co-Permittee SWPPP) was retained onsite and was reviewed during the inspection. The Co-Permittee SWPPP, Section 1.1.2, states "the Scottsdale Airport elected to be covered under the MSGP and has included tenants who conduct industrial activities on the Airport as co-permittees….The Scottsdale Airport manages the permitting of storm water discharges associated with industrial activities by assuming the roles of both program administrator and co-permittee to the participating Airport tenants." Therefore, the Discharger is considered a co-permittee with the City of Scottsdale Municipal Airport (Airport) and the participating tenants. All co-permittees utilize a common SWPPP, or Co-Permittee SWPPP, for industrial activities at the Airport.

The SWPPP states "the Indian Bend Wash is the receiving water for storm water discharged from the airport via five outfalls." The ADEQ Notice of Intent (NOI) Authorization further clarifies that the Indian Bend Wash is less than one mile from the Facility and identifies the Facility receiving waters as the Indian Bend Wash, and the City of Scottsdale municipal separate storm sewer system (MS4).

Section F: Facility Site Review

Note: The EPA Contractor inspector conducted a site visit for activities associated with the Discharger. Site conditions observed at the Facility generally indicated adequate housekeeping and pollution prevention practices (refer to attached Photographs 1 and 2).

Site Photographs	Landmark Aviation 14600 North Airport Drive Scottsdale, Arizona	Photograph date: 06/08/2009

Photograph 1— Fueling truck parking area

Photograph 2— View of truck fueling station

United States Environmental Protection Agency
Washington D.C. 20460

EPA Contractor NPDES Storm Water Compliance Inspection Report

Section A: National Data System Coding

Authorization Number	SIC Code	Acreage	Receiving Water / MS4
AZMSG-6131	4581		Indian Bend Wash and City of Scottsdale MS4

Section B: Facility Data

Name and Location of Facility Inspected	Entry Time/Date	Permit Effective Date
Landmark Aviation **14700 North Airport Drive** **Scottsdale, AZ 85260**	**1:30 PM/ 06/08/2009**	**02/06/2003**
	Exit Time/Date **2:30 PM/ 06/08/2009**	Permit Expiration Date **N/A**

Name(s) of On-Site Representatives	Title(s)	
Rod Summers	**Not Provided**	
Name, Address of Responsible Official	Title	
Scott T. Gray **City of Scottsdale Municipal Airport** **1500 North Airport Drive, Suite 200** **Scottsdale, AZ 85260**	**Aviation Director**	
	Phone Number **480-312-2674**	Contacted: YES _ **X** _ NO ___

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	SWPPP	S	Records/Reports	S	Facility Site Review	N	Effluent/Receiving Waters	N	Self-Monitoring Program

Section D: **SITE DESCRIPTION (include description of facility)**

Landmark Aviation (Discharger) is a tenant at the City of Scottsdale Municipal Airport, a general aviation airport. The Discharger primarily conducts airplane fueling and storage activities at Facility address 14700 North Airport Drive.

The Discharger's Facility was inspected by a USEPA contractor regarding the National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit for Industrial Activities, issued in October 2000 (the Permit). The Permit expired October 30, 2005 and the Arizona Department of Environmental Quality (ADEQ) no longer accepts Notices of Intent for coverage under the Permit. Guidance issued by ADEQ states "until a new permit is issued, operators are expected to develop and implement storm water pollution prevention plans, best management practices and implement the appropriate sector-specific requirements described in the MSGP 2000 [the Permit]." The Discharger's primary Standard Industrial Classification (SIC) Code is 4581, which is covered under Sector S of the Permit.

Section E. Records Review

Note: A copy of the Storm Water Pollution Prevention Plan dated February 23, 2009 (Co-Permittee SWPPP) was retained onsite and was reviewed during the inspection. The Co-Permittee SWPPP, Section 1.1.2, states "the Scottsdale Airport elected to be covered under the MSGP and has included tenants who conduct industrial activities on the Airport as co-permittees….The Scottsdale Airport manages the permitting of storm water discharges associated with industrial activities by assuming the roles of both program administrator and co-permittee to the participating Airport tenants." Therefore, the Discharger is considered a co-permittee with the City of Scottsdale Municipal Airport (Airport) and the participating tenants. All co-permittees utilize a common SWPPP, or Co-Permittee SWPPP, for industrial activities at the Airport.

The SWPPP states "the Indian Bend Wash is the receiving water for storm water discharged from the airport via five outfalls." The ADEQ Notice of Intent (NOI) Authorization further clarifies that the Indian Bend Wash is less than one mile from the Facility and identifies the Facility receiving waters as the Indian Bend Wash, and the City of Scottsdale municipal separate storm sewer system (MS4).

Section F: Facility Site Review

Note: Site conditions observed at the on-airport properties and activities generally indicated adequate housekeeping and pollution prevention practices (refer to attached Photographs 1 and 2).

Site Photographs	Landmark Aviation 14700 North Airport Drive Scottsdale, Arizona	Photograph date: 06/08/2009

Photograph 1— Airplane hangar

Photograph 2— View of airplane fueling station in front of the airplane hangar from Photograph 1

United States Environmental Protection Agency
Washington D.C. 20460

EPA Contractor NPDES Storm Water Compliance Inspection Report

Section A: National Data System Coding

Authorization Number	SIC Code	Acreage	Receiving Water / MS4
AZMSG-6134	4581		Indian Bend Wash and City of Scottsdale MS4

Section B: Facility Data

Name and Location of Facility Inspected	Entry Time/Date	Permit Effective Date
Air Commerce Center **14605 North Airport Drive, Suite 210** **Scottsdale, AZ 85260**	**2:15 PM/ 06/08/2009**	**02/06/2003**
	Exit Time/Date **4:35 PM/ 06/08/2009**	Permit Expiration Date **N/A**

Name(s) of On-Site Representatives	Title(s)
Robert Summers, Chris Read	**Facilities Maintenance Operator and Airport Operations Manager, respectively**

Name, Address of Responsible Official	Title / Phone Number	
John Meyer **Airport Property Specialists, LLC** **14605 North Airport Drive, Suite 210** **Scottsdale, AZ 85260**	Title **Principal, Designated Broker**	
	Phone Number **480-483-1985**	Contacted: YES _ **X** _ NO ___

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	SWPPP	S	Records/Reports	U	Facility Site Review	N	Effluent/Receiving Waters	N	Self-Monitoring Program

Section D: **SITE DESCRIPTION (include description of facility)**

The Air Commerce Center is owned and operated by Airport Property Specialists, LLC (Airport Properties or Discharger). The Discharger is a tenant at the City of Scottsdale Municipal Airport, a general aviation airport. The Discharger primarily conducts property management services for other tenants at the Airport.

Properties and activities associated with the Discharger were inspected by a USEPA contractor regarding the National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit for Industrial Activities, issued in October 2000 (the Permit). The Permit expired October 30, 2005 and the Arizona Department of Environmental Quality (ADEQ) no longer accepts Notices of Intent for coverage under the Permit. Guidance issued by ADEQ states "until a new permit is issued, operators are expected to develop and implement storm water pollution prevention plans, best management practices and implement the appropriate sector-specific requirements described in the MSGP 2000 [the Permit]." The Discharger's primary Standard Industrial Classification (SIC) Code is 4581, which is covered under Sector S of the Permit.

Pursuant to the NPDES Storm Water Multi-Sector General Permit for Industrial Activities and associated guidance issued by ADEQ, the inspection findings listed in Sections E and F of this report must be corrected.

Section E. Records Review

Note: A copy of the Storm Water Pollution Prevention Plan dated February 23, 2009 (Co-Permittee SWPPP) was retained onsite and was reviewed during the inspection. The Co-Permittee SWPPP, Section 1.1.2, states "the Scottsdale Airport elected to be covered under the MSGP and has included tenants who conduct industrial activities on the Airport as co-permittees….The Scottsdale Airport manages the permitting of storm water discharges associated with industrial activities by assuming the roles of both program administrator and co-permittee to the participating Airport tenants." Therefore, the Discharger is considered a co-permittee with the City of Scottsdale Municipal Airport (Airport) and the participating tenants. All co-permittees utilize a common SWPPP, or Co-Permittee SWPPP, for industrial activities at the Airport.

The SWPPP states "the Indian Bend Wash is the receiving water for storm water discharged from the airport via five outfalls." The ADEQ Notice of Intent (NOI) Authorization further clarifies that the Indian Bend Wash is less than one mile from the Facility and identifies the Facility receiving waters as the Indian Bend Wash, and the City of Scottsdale municipal separate storm sewer system (MS4).

Section F: Facility Site Review

Note: The EPA Contractor inspector conducted site visits at a number of on-airport properties and activities associated with the Discharger. Site conditions observed at the on-airport properties and activities generally indicated adequate housekeeping and pollution prevention practices

1. The EPA Contractor inspector also conducted site visits at a number of off-airport properties and activities associated with the Discharger. Most notably, the Discharger conducts property management services for an aircraft fueling system located northeast of 7916 East Beck Lane in Scottsdale, Arizona (see attached Photograph 1). A Facilities Maintenance representative with Airport Properties explained that the "fuel farm" manifold is used for fueling operations by private aircraft operators, and Airport Properties only oversees tanker deliveries, not fueling by individual aircraft operators. Collectively, these industrial activities are classified by Standard Industrial Classification (SIC) Code 45 and require coverage under the Permit. Records provided by ADEQ indicate that the "fuel farm" facility does not have Permit coverage and is therefore operating without a permit. In a separate inspection of the Scottsdale Municipal Airport, the City Airport Operations Manager explained that most on-airport spills can be attributed to tenant fueling activities. The SWPPP dated February 23, 2009, Section 2.4.5, states "fuel spills may occur quite frequently due the frequency with which this activity is performed." Presumably, off-airport fueling at the "fuel farm" would pose a similar, if not greater, potential for spills and subsequent conveyance to the storm drain system (see attached Photograph 2).

   Coverage under the Permit is required for the following industrial activities: Air Transportation Facilities (SIC Code 45). A written explanation must be provided to EPA and ADEQ for conducting regulated industrial activities at the "fuel farm" facility without coverage under the Permit.

Site Photographs	Airport Properties, LLC 7916 East Beck Lane Scottsdale, Arizona	Photograph date: 06/08/2009

Photograph 1— Aircraft fueling system located northeast of 7916 East Beck Lane in Scottsdale, Arizona

Photograph 2— View of potential for spills and subsequent conveyance

United States Environmental Protection Agency
Washington D.C. 20460

EPA Contractor NPDES Stormwater Compliance Inspection Report

Section A: National Data System Coding

Authorization Number	SIC Code	Acreage	Receiving Water / MS4
AZCON-43559		5.05	City of Scottsdale MS4

Section B: Facility Data

Name and Location of Facility Inspected	Entry Time/Date	Permit Effective Date
Our Lady of Perpetual Help **3801 North Miller Road** **Scottsdale, AZ 85251**	**8:30 AM/ 06/08/2009**	**02/27/2009**
	Exit Time/Date **9:45 AM/ 06/08/2009**	Permit Expiration Date **N/A**

Name(s) of On-Site Representatives	Title(s)	
Steve Shumway	**Project Superintendent**	

Name, Address of Responsible Official	Title	
Adam Lebrecht **3220 East Harbour Drive** **Phoenix, AZ 85034**	**Not Provided**	
	Phone Number **602-526-0194**	Contacted: YES _**X**_ NO ____

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	SWPPP	S	Records/Reports	U	Facility Site Review	N	Effluent/Receiving Waters	N	Self-Monitoring Program

Section D: **SITE DESCRIPTION (include description of facility)**

DL Withers Construction is constructing the Parish Life Center (PLC or Facility) for Our Lady of Perpetual Help Church located at the corner of North Miller Road and Main Street. The Facility was inspected by a USEPA contractor regarding the Arizona Pollutant Discharge Elimination System (AZPDES) General Permit for Discharge from Construction Activities to Waters of the United States (the Permit).

Construction of the PLC began in May 2009. The site is separated into a staging area that is approximately three acres and the active construction site which consists of approximately two acres of disturbed area. The PLC will have classrooms, meeting rooms, parish offices, a parish hall, conference rooms, and locker rooms.

Pursuant to the AZPDES General Permit for Discharge from Construction Activities to Waters of the United States, the inspection findings listed in Sections E and F of this report must be corrected.

Section E. Records Review

1. Part III.A.3 of the Permit requires "all operator(s) sign and certify the SWPPP they will implement in accordance with Part VIII.J" of the Permit. The Facility's SWPPP certification statement had not been signed by an authorized representative. The SWPPP must be updated to include this information.

2. Part III.C.2.a of the Permit requires the SWPPP to describe the nature of the construction activity, including a description of the project and its intended use after the Notice of Termination is filed. The SWPPP did not include a description of the PLC project. The SWPPP must be updated to include this information.

3. Part III.C.4 of the Permit requires the SWPPP to "identify the nearest receiving water(s), including ephemeral and intermittent streams, dry washes, and arroyos." The SWPPP did not identify the nearest receiving water(s). The Facility representative stated that the drainage of the site flows south of the site onto the adjacent baseball fields or to the street into the City of Scottsdale (City) municipal separate storm sewer system (MS4) system. The SWPPP must be updated to include this information.

Note: Based on a spot-check of inspection records, site inspections were being performed at the frequency and scope outlined in the Permit and SWPPP. Inspection records are recorded electronically.

Section F: Facility Site Review

4. Part IV.C.7 of the Permit requires operators to implement effective BMPs to minimize tracking of sediments, debris, and other pollutants from vehicles and equipment entering and leaving the site. It was observed during the inspection that adequate BMPs were not implemented to prevent the transport of sediment to Main Street from the construction entrance. Sediment and debris were observed beyond the Facility's construction entrance and in the City's curb and gutter line along Main Street, a City roadway (see attached Photographs 3 and 4). As a result, there was a release of sediment from the disturbed area to Main Street, a component of the City MS4. Adequate BMPs must be implemented and maintained to prevent the release of sediment from the disturbed area to Main Street and sediment in the street must be removed and disposed of so that it does not re-enter the street.

Site Photographs	DL Withers Construction Our Lady of Perpetual Help, Parish Life Center Scottsdale, Arizona	Photograph date: 06/08/2009

Photograph 1 – View of construction entrance facing south.

Photograph 2 – View from construction site entrance to the west.

Photograph 3 – View of vehicle tracking onto Main Street, facing northeast.

Photograph 4 – View of vehicle tracking onto Main Street, facing northwest.

United States Environmental Protection Agency
Washington D.C. 20460

EPA Contractor NPDES Stormwater Compliance Inspection Report

Section A: National Data System Coding

Authorization Number	SIC Code	Acreage	Receiving Water / MS4
AZCON-3576 9		8.5	City of Scottsdale MS4

Section B: Facility Data

Name and Location of Facility Inspected	Entry Time/Date	Permit Effective Date
Scottsdale Fashion Square **7014 East Camelback Road** **Scottsdale, AZ 85251**	**12:00 PM/ 06/08/2009**	**05/09/2008**
	Exit Time/Date **12:45 PM/ 06/08/2009**	Permit Expiration Date **N/A**

Name(s) of On-Site Representatives	Title(s)	
Russ Myers **Rick Roberts**	**Not Provided**	

Name, Address of Responsible Official	Title	
Robert Cashin **Kitchell Contractors, Inc. of AZ** **1707 East Highland Avenue, #200** **Phoenix, AZ 85016**	**Not Provided**	
	Phone Number **602-390-2252**	Contacted: YES ____ NO _**X**_

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	SWPPP	S	Records/Reports	U	Facility Site Review	N	Effluent/Receiving Waters	N	Self-Monitoring Program

Section D: **SITE DESCRIPTION (include description of facility)**

The Scottsdale Fashion Square (Facility) is a retail shopping center located on the southeast corner of Scottsdale Road and Camelback Road. The Facility was inspected by a USEPA contractor regarding the Arizona Pollutant Discharge Elimination System (AZPDES) General Permit for Discharge from Construction Activities to Waters of the United States (the Permit).

Construction activities began in October 2007. Kitchell Contractors, Inc. is involved in renovations and redevelopment of approximately 8.5 acres which included demolition of the existing Robinsons-May department store; demolition of existing parking garages; the addition of a two-level underground parking structure and 173,000 square feet of new retail space and the building of a department store shell.

Pursuant to the AZPDES General Permit for Discharge from Construction Activities to Waters of the United States, the inspection findings listed in Sections E and F of this report must be corrected.

Section E. Records Review

Note: A copy of the SWPPP and corresponding site map were observed during the inspection. There were no findings or deficiencies identified with respect to the SWPPP.

Note: Based on a spot-check of inspection records, site inspections were being performed at the frequency and scope outlined in the Permit and SWPPP.

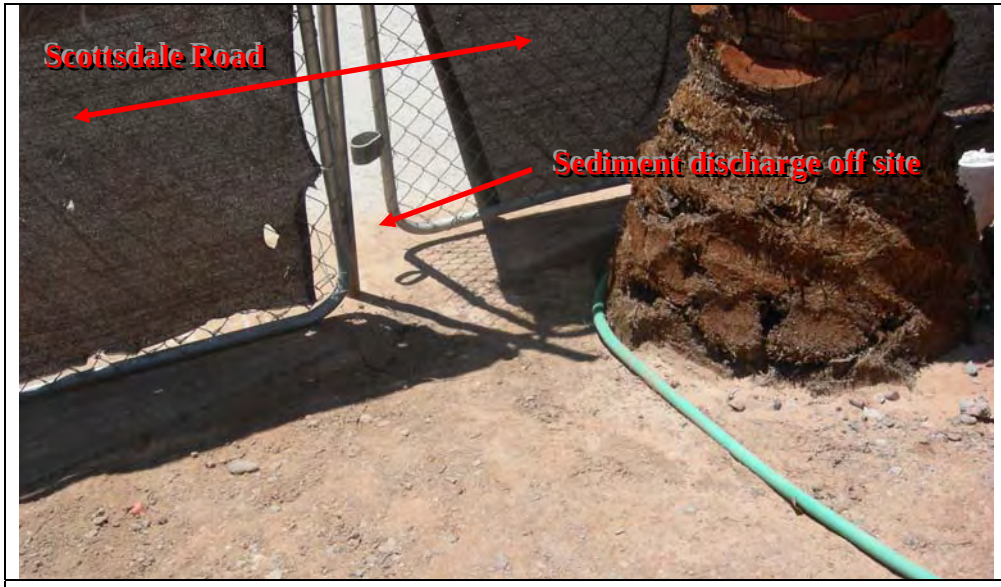
Note: The SWPPP states that the receiving water for the Facility is the City of Scottsdale (City) MS4 system.

Section F: Facility Site Review

1. Part IV.A.3 of the Permit requires operator(s) to "design and implement a combination of erosion and sediment control [BMPs] to keep sediment in place and to capture sediment to the extent practicable before it leaves the site." It was observed during the inspection that adequate BMPs were not implemented at several locations along the site perimeter adjacent to Scottsdale Road, a City roadway (see attached Photograph 1). As a result, there was a release of sediment from the disturbed area to Scottsdale Road, a component of the City MS4. Adequate BMPs must be implemented and maintained to prevent the release of sediment from the disturbed area to Scottsdale Road.

2. Part IV.C.7 of the Permit requires that the operator "implement effective BMPs to minimize tracking of sediments, debris, and other pollutants from vehicles and equipment entering and leaving the site." It was observed during the inspection that sediment from the disturbed area located in the northern portion of the site, adjacent to the parking lot, (see attached Photograph 2) was being transported across the impervious surface beyond the site boundaries (see attached Photographs 3 and 4). It was observed that adequate BMPs were not implemented to prevent the transport of sediment from the construction site onto the unnamed roadway adjacent to Coco's Restaurant. The Facility representative stated that a street sweeper was contracted for maintenance of the construction entrance and the roadway. However, there was a release of sediment from the disturbed area to the unnamed roadway and the potential for the subsequent conveyance of sediment onto Scottsdale Road, a City roadway. Adequate BMPs must be implemented and maintained to prevent the release of sediment from the disturbed area to the roadway and subsequently to Scottsdale Road.

Site Photographs	Kitchell Contractors, Inc. of AZ Scottsdale Fashion Square Scottsdale, Arizona	Photograph date: 06/08/2009



Photograph 1 – View of disturbed area along the east side of the site, adjacent to Scottsdale Road.

Photograph 2 – View of the disturbed area located adjacent to the parking lot in the northern portion of the site.

Photograph 3 - View of sediment tracking from the construction entrance at the northeast corner of the site, facing south.

Photograph 4 – View of sediment tracking at the construction entrance at the northeast corner of the site.

United States Environmental Protection Agency
Washington D.C. 20460

EPA Contractor NPDES Stormwater Compliance Inspection Report

Section A: National Data System Coding

Authorization Number	SIC Code	Acreage	Receiving Water / MS4
AZCON-36143		5.38	City of Scottsdale MS4

Section B: Facility Data

Name and Location of Facility Inspected	Entry Time/Date	Permit Effective Date
Reflections on the Canal **4807 North Woodmere Fairway** **Scottsdale, AZ 85251**	**10:15 AM/ 06/08/2009**	**05/20/2008**
	Exit Time/Date **11:30 AM/ 06/08/2009**	Permit Expiration Date **N/A**

Name(s) of On-Site Representatives	Title(s)	
Kelly Adams	**Project Manager**	

Name, Address of Responsible Official	Title	
Kelly Adams **Mesa 256 Corp.** **4807 North Woodmere Fairway** **Scottsdale, AZ 85251**	**Project Manager**	
	Phone Number **480-429-1908**	Contacted: YES _**X**_ NO ____

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	SWPPP	U	Records/Reports	U	Facility Site Review	N	Effluent/Receiving Waters	N	Self-Monitoring Program

Section D: **SITE DESCRIPTION (include description of facility)**

The Reflections on the Canal (Facility) is a 100 unit condominium/townhouse development located on the northeas corner of North Woodmere Fairway and East Chapparal Road. The Facility was inspected by a USEPA contractor regarding the Arizona Pollutant Discharge Elimination System (AZPDES) General Permit for Discharge from Construction Activities to Waters of the United States (the Permit).

The Facility will consist of six buildings (two stacked condominiums and four townhouse structures), two underground parking structures, and attached garages for the townhome units. Construction of Phase I of the project began in October 2007 (original NOI date 3/28/2007, 2003 permit coverage); a new NOI was authorized by the Arizona Department of Environmental Quality (ADEQ) on5/20/2008. Phase II is scheduled to begin in September 2009.

Pursuant to the AZPDES General Permit for Discharge from Construction Activities to Waters of the United States, the inspection findings listed in Sections E and F of this report must be corrected.

Section E. Records Review

1. Part III.E of the Permit requires "the SWPPP shall be revised as necessary during permit coverage to reflect current conditions and to maintain accuracy if there are changes in design or construction of the project, or if the SWPPP is found to be deficient." The Facility's SWPPP was dated March 2007 and had not been updated. The SWPPP must be updated according to Part III.E of the Permit.

2. Part IV.H of the Permit requires "the operator shall provide 'qualified personnel' to perform inspections according to the selected inspection schedule identified in the SWPPP." Inspection records were not available for review at the time of this inspection. Site inspections must be performed and documented at the frequency and scope outlined in the Permit (Part IV.H)..

Note: The SWPPP identified Indian Bend Wash as the receiving water.

Section F: Facility Site Review

3. Part IV.C.6 of the Permit requires operator(s) to "at all times during construction provide effective sediment control [BMPs] at storm drain inlets that discharge, or could discharge, to waters of the U.S. or to a local MS4 until all sources with potential for discharging to the inlet are stabilized." It was observed during the inspection that adequate BMPs were not implemented at several inlet locations along Woodmere Fairway, a City of Scottsdale (City) roadway (see attached Photograph 1). Sediment was observed inside several catch basin inlet locations on the northwest portion of the site adjacent to Woodmere Fairway. As a result, there was a discharge of sediment into the City's MS4 system. Adequate BMPs must be implemented to prevent the discharge of sediment to the storm drain inlets.

4. Part IV.C.7 of the Permit requires that the operator "implement effective BMPs to minimize tracking of sediments, debris, and other pollutants from vehicles and equipment entering and leaving the site." It was observed during the inspection that sediment was being transported from the Phase I construction site onto Woodmere Fairway, a City roadway (see attached Photograph 2) and beyond the site boundaries. It was observed that adequate BMPs were not implemented to prevent the transport of sediment from the construction site onto the roadway. The Facility representative stated that a street sweeper was contracted for maintenance of the roadway, three days per week. However, there was a release of sediment from the construction area to the roadway and the potential for the subsequent conveyance of sediment onto Woodmere Fairway. Adequate BMPs must be implemented and maintained to prevent the release of sediment from the construction area to Woodmere Fairway.

5. Part IV.C.7 of the Permit requires that the operator "implement effective BMPs to minimize tracking of sediments, debris, and other pollutants from vehicles and equipment entering and leaving the site." It was observed during the inspection that sediment and debris were being transported from the Phase II construction site entrance onto Woodmere Fairway, a City roadway (see attached Photographs 3 and 4). Sediment and debris accumulation was observed beyond the Facility's construction entrance in the City's curb and gutter line along Woodmere Fairway. As a result, there was a release of sediment and debris onto Woodmere Fairway, a component of the City MS4. Adequate BMPs must be implemented and maintained to prevent the release of sediment from the construction area to Woodmere Fairway.

Site Photographs	Mesa 256 Corp. Reflections on the Canal Scottsdale, Arizona	Photograph date: 06/08/2009

Photograph 1 – View of storm drain inlet along Woodmere Fairway.

Photograph 2 – View facing south on Woodmere Fairway adjacent to Phase I site entrance.

Photograph 3 – View of Phase II construction entrance, facing east.

Photograph 4 – Sediment and debris accumulation at Phase II construction entrance

United States Environmental Protection Agency
Washington D.C. 20460

EPA Contractor NPDES Stormwater Compliance Inspection Report

Section A: National Data System Coding

Authorization Number	SIC Code	Acreage	Receiving Water / MS4
AZCON-40690		28.7	Central Arizona Project conveyance

Section B: Facility Data

Name and Location of Facility Inspected	Entry Time/Date	Permit Effective Date
Maravilla Scottsdale **7325 E. Princess Blvd.** **Scottsdale, AZ 85255**	**8:45 AM/ 06/08/2009**	**10/20/2008**
	Exit Time/Date **9:45 AM/ 06/08/2009**	Permit Expiration Date **N/A**

Name(s) of On-Site Representatives	Title(s)
Guillermo Avena, Ron Anglin	**Wheeler Construction Superintendent, and General Superintendent, respectively**

Name, Address of Responsible Official	Title	
Bill Drake **Senior Resource Group** **500 Stevens Avenue, Suite 100** **Solana Beach, CA 92075**	**Not provided**	
	Phone Number **858-314-1710**	Contacted: YES ___ NO _ **X** _

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	SWPPP	N	Records/Reports	U	Facility Site Review	N	Effluent/Receiving Waters	N	Self-Monitoring Program

Section D: **SITE DESCRIPTION (include description of facility)**

Maravilla Scottsdale (Facility) is a senior living development. Upon completion, the development will consist of assisted living residences and independent living casitas within a retirement community. The Facility was inspected by a USEPA contractor regarding the Arizona Pollutant Discharge Elimination System (AZPDES) General Permit for Discharge from Construction Activities to Waters of the United States (the Permit). At the time of the inspection, the construction consisted of preliminary grading prior to utilities installation.

According to the Facility's General Superintendent, the initial construction activities commenced in November 2008. The Arizona Department of Environmental Quality (ADEQ) approved the Notice of Intent Authorization and Permit coverage on October 20, 2008.

Pursuant to the AZPDES General Permit for Discharge from Construction Activities to Waters of the United States, the inspection findings listed in Sections E and F of this report must be corrected.

Section E. Records Review

Note: A copy of the Stormwater Pollution Prevention Plan dated October 2008 (SWPPP) was retained onsite and was reviewed during the inspection. The SWPPP identified the following Facility receiving waters: the Central Arizona Project (CAP) conveyance (see attached Photograph 1) which flows to the west side CAP conveyance. It was observed during the inspection that public streets border the Maravilla Scottsdale development. Consequently, there is also a potential to discharge to the City of Scottsdale (City) municipal separate storm sewer system (MS4).

Note: The Facility representatives stated that the City had issued a grading permit for the project, but explained that they were not aware of City inspectors having a presence onsite for storm water or erosion and sediment control purposes. The Facility representatives further explained that City inspectors had never asked to view the SWPPP and had never required corrective actions for erosion and sediment control purposes.

Section F: Facility Site Review

1. Part IV.A.3 of the Permit states the operator(s) "shall design and implement a combination of erosion and sediment control BMPs to keep sediment in place and to capture sediment to the extent practicable before it leaves the site." It was observed during the inspection that adequate perimeter and erosion control BMPs were not implemented along the southern boundary of the site to prevent the discharge of sediment to the adjacent CAP conveyance channel. A sedimentation basin located in the southwest portion of site was not yet operational (see attached Photograph 2) and temporary BMPs had not been implemented for exposed areas up-gradient and down-gradient (see attached Photograph 3) of the sedimentation basin. As a result, there was a potential for the discharge of sediment to the adjacent CAP conveyance channel. An adequate combination of erosion and sediment control BMPs must be implemented to keep sediment in place and to capture sediment to the extent practicable before it leaves the site.

2. Part IV.E of the Permit states the operator(s) "shall not allow any non-stormwater discharges from the site." It was observed during the inspection that irrigation activities located in the southeast portion of the site (see attached Photographs 4 and 5) had the potential to contribute to an illicit non-stormwater discharge to the CAP conveyance channel. In addition, a large expanse of exposed area was observed up-gradient of a partially operational sedimentation basin located in the southeast portion of site (see attached Photograph 6). Evidence of a non-stormwater discharge source (e.g., sediment and irrigation/dust control water) in the interim sedimentation basin was observed; including water and sediment accumulation in the intake structure (see attached Photographs 7 and 8). As a result, there was a potential for an illicit non-stormwater discharge to the CAP conveyance channel from the interim sedimentation basin located in the southeast portion of site (see attached Photograph 9). Adequate BMPs must be implemented to prevent any non-stormwater discharges from the site.

Site Photographs	Senior Resource Group Maravilla Scottsdale Scottsdale, Arizona	Photograph date: 06/08/2009

Photograph 1 - Central Arizona Project (CAP) conveyance

Photograph 2 - Sedimentation basin construction located in the southwest portion of site

Photograph 3 - Exposed areas up-gradient and down-gradient of the sedimentation basin, adjacent to the CAP

Photograph 4 – Irrigation activity located in the southeast portion of the site

Site Photographs	Senior Resource Group Maravilla Scottsdale Scottsdale, Arizona	Photograph date: 06/08/2009

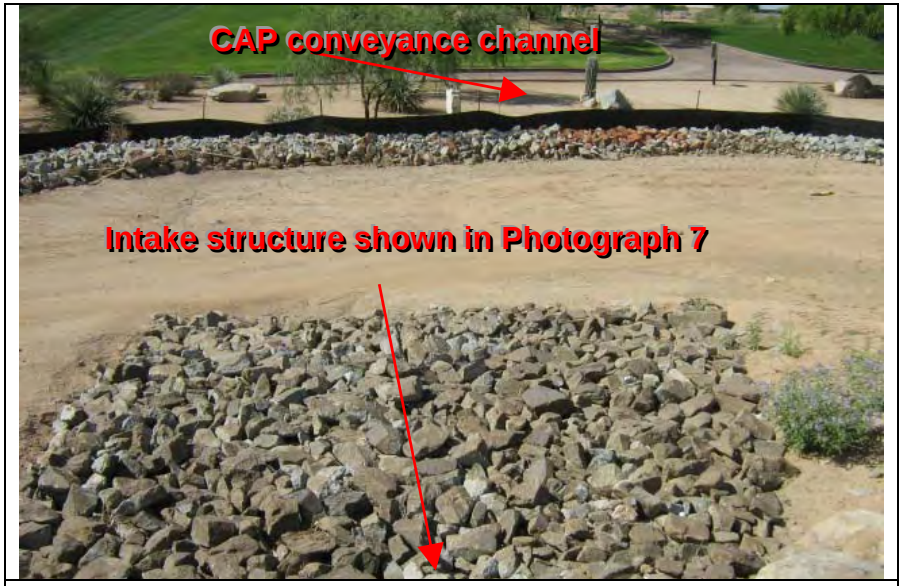
Photograph 5 – Irrigation activity located adjacent to interim sedimentation basin in the southeast portion of the site

Photograph 6 – Large exposed area in the southeast portion of the site

Photograph 7 – Intake structure located in the southeast portion of the site

Photograph 8 – Sediment and debris accumulation in intake structure

Site Photographs	Senior Resource Group Maravilla Scottsdale Scottsdale, Arizona	Photograph date: 06/08/2009



Photograph 9 – View of intake structure to the CAP channel

United States Environmental Protection Agency
Washington D.C. 20460

EPA Contractor NPDES Stormwater Compliance Inspection Report

Section A: National Data System Coding

Authorization Number	SIC Code	Acreage	Receiving Water / MS4
AZCON-36444		160	Un-named tributaries of Cave Creek

Section B: Facility Data

Name and Location of Facility Inspected	Entry Time/Date	Permit Effective Date
Saguaro Estates **Southwest corner of Scottsdale Rd. and Dynamite Rd.** **Scottsdale, AZ 85266**	**11:45 AM/ 06/08/2009**	**05/28/2008**
	Exit Time/Date **12:30 PM/ 06/08/2009**	Permit Expiration Date **N/A**

Name(s) of On-Site Representatives	Title(s)	
Oscar Dominguez, Kevin Rosinski	**Toll Brothers AVP Land Development, and AVP Construction, respectively**	
Name, Address of Responsible Official **Brian Fowler** **Toll Brothers AZ Construction, LLP** **14350 North 87th Street** **Scottsdale, AZ 85259**	Title **Not provided**	
	Phone Number **480-419-7167**	Contacted: YES ___ NO _ **X** _

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	SWPPP	N	Records/Reports	U	Facility Site Review	N	Effluent/Receiving Waters	N	Self-Monitoring Program

Section D: **SITE DESCRIPTION (include description of facility)**

Saguaro Estates (Facility) is an 88-lot residential development. The Facility was inspected by a USEPA contractor regarding the Arizona Pollutant Discharge Elimination System (AZPDES) General Permit for Discharge from Construction Activities to Waters of the United States (the Permit). The Arizona Department of Environmental Quality (ADEQ) approved the Notice of Intent Authorization and Permit coverage for the Facility on May 28, 2008. At the time of the inspection, 35 homes had yet to be constructed but roadway and drainage work had been completed. Based on conversations with the Facility representatives and an updated map; Lots 18, 37, 62, 64, 69, and 74 were actively disturbed.

Pursuant to the AZPDES General Permit for Discharge from Construction Activities to Waters of the United States, the inspection findings listed in Sections E and F of this report must be corrected.

Section E. Records Review

Note: A copy of the Stormwater Pollution Prevention Plan dated June 2005 (SWPPP) was retained onsite and was reviewed during the inspection.

Note: The Facility representatives stated that the City had issued a grading permit for the project, but explained that they had not had any interaction with City inspectors for storm water or erosion and sediment control purposes. The Facility representatives further explained that City inspectors had never asked to view the SWPPP and had never required corrective actions for erosion and sediment control purposes.

1. Part III.C.3 of the Permit requires "the SWPPP shall contain legible site map(s) completed to scale, showing the entire site that identifies: (f) locations of all surface water bodies (including dry/ephemeral washes and wetlands). If none exist on site, the SWPPP shall indicate so; and (g) locations where stormwater discharges to a surface water…Where surface waters and/or MS4s receiving stormwater will not fit on the plan sheet, they shall be identified with an arrow indicating the direction and distance to the surface water and/or MS4." Although, the SWPPP identified an un-named tributary to Cave Creek as the Facility receiving waters, the SWPPP site map did not identify the direction and distance to the off-site receiving water (e.g., Cave Creek) and/or MS4. Furthermore, the SWPPP site map did not clearly identify the natural drainage along the northwest perimeter of Lot 64. The SWPPP must be updated as required by Part III.C.3 of the Permit.

Section F: Facility Site Review

2. Part III.A.2 of the Permit states the "SWPPP shall be prepared and implemented in accordance with good engineering practice requirements and shall: (a) identify all potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the construction site; and (b) identify, describe, and ensure implementation of BMPs that will be used to reduce pollutants in stormwater discharges from the construction site." It was observed during the inspection that BMPs had not been implemented for the disturbed area pollutant source at Lot 64 (see attached Photographs 1 and 2). Specifically, temporary sediment and erosion control BMPs had not been implemented along the access roadway at the southeast perimeter of Lot 64 (see attached Photograph 3). In a letter to the EPA Contract inspector dated June 12, 2009, the Facility representative stated "with the concurrence of the City of Scottsdale, we use a 2-inch cut-back curb… [that] acts as a small sediment settling area." However, the cut-back curb does qualify as a BMP that has been implemented in accordance with good engineering practice requirements. As a result, there was a potential for the discharge of sediment from Lot 64 to the adjacent access roadway. Adequate BMPs must be implemented in accordance with good engineering practice requirements to prevent the discharge of sediment from the site.

Site Photographs	Toll Brothers AZ Construction, LLP Saguaro Estates Scottsdale, Arizona	Photograph date: 06/08/2009

Photograph 1—Disturbed area at the southwest corner of Lot 64

Photograph 2—Constructed home at the center of Lot 64

Photograph 3—Lack of perimeter control BMP

United States Environmental Protection Agency
Washington D.C. 20460

EPA Contractor NPDES Stormwater Compliance Inspection Report

Section A: National Data System Coding

Authorization Number	SIC Code	Acreage	Receiving Water / MS4
AZCON-35925		160	City of Scottsdale MS4, Rawhide Wash, and un-named tributaries to Indian Bend Wash

Section B: Facility Data

Name and Location of Facility Inspected	Entry Time/Date	Permit Effective Date
Classic Residence at Silverstone **Northwest corner of Miller Road and Williams Drive** **Scottsdale, AZ 85255**	**10:00 AM/ 06/08/2009**	**05/15/2008**
	Exit Time/Date **11:20 AM/ 06/08/2009**	Permit Expiration Date **N/A**

Name(s) of On-Site Representatives	Title(s)
Bryan Doolen, Phil Hall, Bryan Forbes	**Summit Builders Project Executive, Project Manager, and Superintendent, respectively**

Name, Address of Responsible Official	Title / Phone Number	
Sharon Harper **CC/PDR Silverstone, LLC C/O The Plaza Companies** **9401 West Thunderbird Road, Suite 200** **Peoria, AZ 85381**	Title **Not provided** Phone Number **623-972-5554**	Contacted: YES ___ NO _ **X** _

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	SWPPP	U	Records/Reports	U	Facility Site Review	N	Effluent/Receiving Waters	N	Self-Monitoring Program

Section D: **SITE DESCRIPTION (include description of facility)**

Classic Residence at Silverstone (Facility) is a mixed use luxury retirement development. Upon completion, the development will consist of a four story main lodge and approximately 67 residential retirement villas. The Facility was inspected by a USEPA contractor regarding the Arizona Pollutant Discharge Elimination System (AZPDES) General Permit for Discharge from Construction Activities to Waters of the United States (the Permit).

According to the Facility's Project Executive, the initial construction activities commenced approximately one year ago. The Arizona Department of Environmental Quality (ADEQ) approved the Notice of Intent Authorization and Permit coverage on May 15, 2008.

Pursuant to the AZPDES General Permit for Discharge from Construction Activities to Waters of the United States, the inspection findings listed in Sections E and F of this report must be corrected.

Section E. Records Review

Note: A copy of the Stormwater Pollution Prevention Plan dated May 27, 2008 (SWPPP) was retained onsite and was reviewed during the inspection. The SWPPP identified the following Facility receiving waters: (a) Rawhide Wash at the northwest portion of the site, (b) additional un-named tributaries to Indian Bend Wash, and (c) the City of Scottsdale (City) municipal separate storm sewer system (MS4).

Note: The Facility representatives stated that the City had issued a grading permit for the project, but explained that they were not aware of City inspectors having a presence onsite for storm water or erosion and sediment control purposes.

1. Part III.A.3 of the Permit requires the operators to "sign and certify the SWPPP they will implement in accordance with Part VIII.J [of the Permit]." The SWPPP had not been signed and certified. The signatory requirements and certification language are specified in Part VIII.J of the Permit. The SWPPP must be updated as required by Part III.A.3 and Part VIII.J of the Permit.

2. Part IV.H of the Permit requires "the operator shall provide 'qualified personnel' to perform inspections according to the selected inspection schedule identified in the SWPPP." Inspection records were requested but could not be produced. The Facility representatives stated that the required inspections had not been conducted. It was further explained that Facility inspections are conducted for dust control purposes, but not for stormwater purposes (i.e., compliance with the Permit). Site inspections must be performed and documented at the frequency and scope outlined in the Permit (Part IV.H).

Section F: Facility Site Review

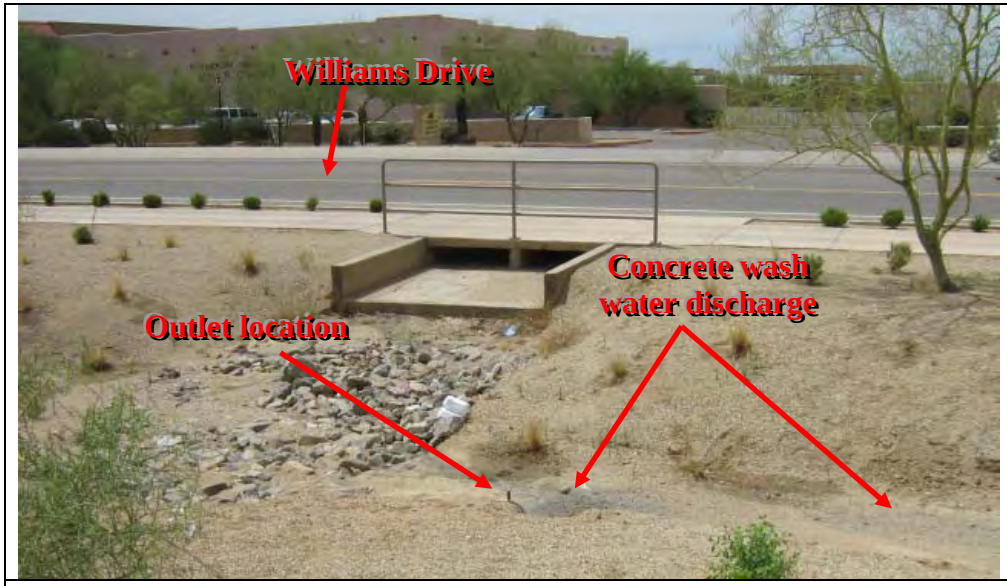
3. Part IV.E of the Permit states the operator(s) "shall not allow any non-stormwater discharges from the site." It was observed during the inspection that concrete washout activities had caused an illicit non-stormwater discharge to a drainage ditch along Williams Drive (see attached Photographs 1, 2, and 3). Un-controlled concrete waste and equipment was observed up-gradient of the discharge point and may have been the source of the illicit discharge (see attached Photograph 4). As a result, there was an illicit non-stormwater discharge to the drainage ditch along Williams Drive, a component of the City's MS4. Un-controlled concrete waste was also observed beyond the dedicated concrete washout BMP (see attached Photograph 5). Adequate BMPs must be implemented to prevent all non-stormwater discharges, such as concrete waste, from the site and into the City's MS4.

4. Part IV.A.3 of the Permit states the operator(s) "shall design and implement a combination of erosion and sediment control BMPs to keep sediment in place and to capture sediment to the extent practicable before it leaves the site." It was observed during the inspection that adequate BMPs had not been implemented to prevent the discharge of sediment to a drainage ditch along Williams Drive near the construction site exit (see attached Photograph 6). Specifically, a silt fence BMP had failed on the north side of the drainage ditch and box culvert wingwall along Williams Drive. The Facility representative explained that an up-gradient retaining wall served as the construction site boundary. As a result, there was a discharge of sediment from the site to the drainage ditch along Williams Drive (see attached Photograph 7), a component of the City's MS4. Rill and gulley pathways were also observed on the south side of the drainage ditch and box culvert wingwall along Williams Drive, where BMPs had not been implemented (see attached Photograph 8).

   At an adjacent location to the east of the construction site exit, a silt fence BMP had failed on the north side of the drainage ditch and box culvert wingwall along Williams Drive. As a result, there was an additional discharge of sediment to the drainage ditch along Williams Drive (see attached Photograph 9), a component of the City's MS4. Adequate BMPs must be implemented to prevent the discharge of sediment from the site and into the City's MS4.

5. Part IV.D.1 of the Permit requires that the operator “implement good housekeeping procedures to prevent...construction chemicals exposed to stormwater from becoming a pollutant source for stormwater discharges. These procedures shall included storage practices to minimize exposure of the materials to stormwater, and spill prevention and response practices.” It was observed during the inspection that a portable toilet located east of the main lodge (see attached Photograph 10) was not properly secured to prevent it from being knocked over or blown down (see attached Photograph 11). Furthermore, the portable toilet was improperly placed directly adjacent to a storm drain inlet. The Facility representative explained that the storm drain inlet is connected to onsite retention. As a result, there was a potential for a chemical and sanitary waste discharge to the storm drain inlet and subsequent retention structure. BMPs must be implemented to properly place and secure the portable toilet and prevent any potential discharge of pollutants from the toilet to the storm drain inlet.

Site Photographs	CC/PDR Silverstone, LLC C/O The Plaza Co. Classic Residence at Silverstone Scottsdale, Arizona	Photograph date: 06/08/2009



Photograph 1 – View of illicit discharge to a drainage ditch along Williams Drive

Photograph 2 – Close-up view of outlet shown in Photograph 1

Photograph 3 – View inside outlet pipe shown in previous photographs

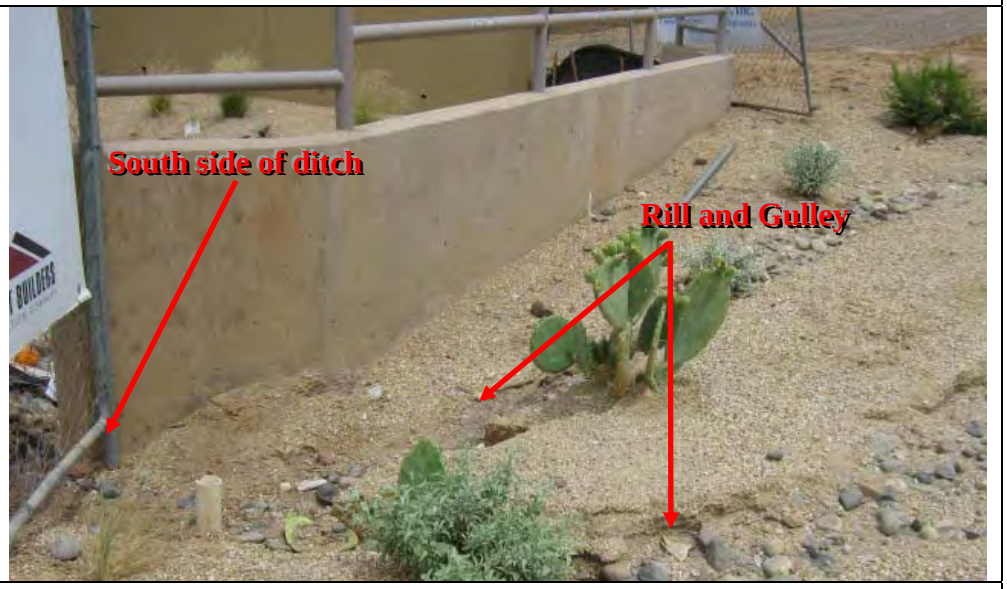
Photograph 4 – Potential source of the illicit discharge

Site Photographs	CC/PDR Silverstone, LLC C/O The Plaza Co. Classic Residence at Silverstone Scottsdale, Arizona	Photograph date: 06/08/2009

Photograph 5 – Concrete waste beyond the dedicated concrete washout BMP

Photograph 6 – View of construction site exit along Williams Drive

Photograph 7 – Silt fence failure and offsite sediment



Photograph 8 – Rill and gulley pathways on the south side of the drainage ditch

Site Photographs	CC/PDR Silverstone, LLC C/O The Plaza Co. Classic Residence at Silverstone Scottsdale, Arizona	Photograph date: 06/08/2009

Photograph 9 – Silt fence failure and offsite sediment

Photograph 10 – View from construction site entrance to the west

Photograph 11 – Portable toilet improperly placed directly adjacent to inlet