



Douglas A. Ducey
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Misael Cabrera
Director

Via Electronic Mail

December 6, 2018

SWG18-0328

City of Buckeye
Robert van den Akker
23454 W. MC 85
Buckeye, AZ 85326

Re: Notice of Deficiency of the City of Buckeye's Small MS4 Program

Dear Mr. van den Akker:

The Arizona Department of Environmental Quality (ADEQ) received the City of Buckeye's (City) Small Municipal Separate Storm Sewer System (MS4), 2017/2018 Annual Report on September 24, 2018. In reviewing the report, ADEQ compares the information provided on the Annual Report with the information provided on the City's Notice of Intent (NOI) and ADEQ's Small MS4 permit. In this comparison, ADEQ has determined that additional information is required to demonstrate compliance of the permit.

Please note, pursuant to federal reporting requirements (40 CFR 122), future AZPDES information (including the NOI, Annual Reports, and discharge monitoring reports) must be submitted electronically. Beginning in reporting year 2018/2019, Small MS4 permitting documentation must be submitted using ADEQ's electronic reporting portal (myDEQ). ADEQ anticipates launching the Small MS4 electronic reporting application in early 2019.

A key feature of the application will require that information is complete prior to submission. Any deficiencies noted below must be corrected to help ensure permit compliance and successful electronic reporting. ADEQ will be sending out additional information regarding electronic reporting to keep you informed of next steps, including loading your NOI into myDEQ. The information from the NOI will assist you with future annual reporting by prepopulating the report with information from the NOI.

Required Information

Permit Section 9.8, Duty to Provide Information, requires the City to supply any information which ADEQ may request to determine compliance with the permit. The City must provide the following:

Part D: Documentation of BMPs for Public Education and Outreach is incomplete. Please revise part D-1 to include the specific message communicated to each audience, Permit Section 6.4.1.4.

Part E: Documentation of BMPs for Public Involvement and Participation is incomplete. Please provide the location or link to the website for the SWMP and Annual Reports, Permit Section 6.4.2.1.

Part F: Documentation of BMPs for Illicit Discharge Detection and Elimination is incomplete. Please revise part F-1 to include all information required by Permit Section 6.4.3, including but not limited to:

- Visual monitoring, Permit Section 6.4.3.8a-b;
- Indicators used to track program success, Permit Section 6.4.3.9; and
- Unpermitted discharges to the MS4, Permit Section 6.4.3.11

Part G: Documentation of BMPs for Construction Activity is incomplete. Please revise part G-1 to include all information required by Permit Section 6.4.3, including but not limited to:

- An inventory of all construction activities, Permit Section 6.4.4.2b; and
- Training for construction operators, Permit Section 6.4.4.4

Part H: Documentation of Post-Construction Stormwater BMPs is incomplete. The annual report states that there are no known post-construction structures to inventory or inspect. However, the Apollo report discusses that stormwater flows into various retention basins, which are post-construction structural BMPs.

Please submit a map of the City's "urbanized" areas.

Recommendations

The suggestions below are not required by State law and there are no legal consequences should you choose to disregard them; however, ADEQ appreciates your cooperation and asks you to consider the following:

- The USEPA published a BMP guide that may be of use for the implementation of the BMPs that are missing in the City's program. This guide can be found here:
<https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater-documents>

Consequences of Failure to Submit Required Information

The documents and conditions listed above must be received by ADEQ on or before **January 17, 2019**. Failure to submit any of the above required information by the deadline may result in

possible enforcement action by ADEQ, pursuant to Arizona Revised Statutes Title 49, Chapter 2, Article 4.

How to Submit

Please submit documents sent in response to this letter using one of the following methods:

- Hard copy to ADEQ, Attention: Rosi Sherrill, Stormwater and General Permits Unit, 1110 W. Washington Street, Phoenix, AZ 85007
- E-mail to: sherrill.laurie@azdeq.gov

Thank you for your efforts to comply with Arizona's environmental requirements. Should you have any comments or questions regarding this matter, please do not hesitate to contact me at (602) 771- 4409.

Sincerely,



Laurie (Rosi) Sherrill, Project Manager
Stormwater and General Permits Unit

Thursday, February 21, 2019

Laurie (Rosi) Sherrill
Project Manager, Stormwater and General Permits Unit
ADEQ
1110 West Washington Street
Phoenix, AZ 85007

Re: Notice of Deficiency of the City of Buckeye's Small MS4 Program

Dear Rosi,

Thank you for your request for information in the Notice of Deficiency regarding our Fiscal Year 2018 (2017/2018) MS4 Annual Report, and thank you for meeting with us, and allowing us the time to provide this information. Per our discussion at that time, you had indicated a response due date would be changed to February 22, 2019. Below is the City's responses to the deficiency request.

1. Part D: Section 6.4.1 of the permit requires the permittee to "*document in each annual report: the messages for each audience,*" and we reported, the messages for each target audience was "pollution prevention education." In your letter, you have requested revision of the reported Public Education in Part D-1 to include "*the specific message communicated to each audience.*" Although the statement, "pollution prevention," does appear to be general, the educational messages for each audience were literally focused on pollution prevention by promoting proper storage and disposal of solid waste, as this is one of our most frequently found pollution problems. We used various slogans including "Help Keep Buckeye Clean," "Shut Your Lid," and "Bag and Tie." These slogans were placed on promotional items, educational pamphlets, bookmarks, email blasts, multi-page flyers, printed advertisements, the City of website, and social media outlets. All materials direct customers to our website.
2. Part E: Section 6.4.2.1 of the permit the City maintains material online including the permit, the annual report, the SWMP, the NOI, the stormwater system map, most education materials, opportunities for public involvement, and opportunities for public comment at the following website: www.buckeyeaz.gov/trash and using the icons for "stormwater" and "report a concern."
3. Part F: Section 6.4. select parts (below)
 - a. Visual Monitoring per 6.4.3.8a-b – This part was satisfied as stated in Section B of the annual report, as well as wording stated in Part F, Outfall Inventory. Please note, by June 30, 2018, 90% of the urbanized area of the city had been inspected and proven to not contain any Municipal Separate Storm Sewer Systems. As there was no system following the definition of MS4, there were no outfalls to waters of the state or of the United States, there was no place to perform visual dry weather outfall monitoring, nor was there any system to perform visual stormwater discharge monitoring. The City shall continue to inspect and map the entire storm system owned, and as soon as MS4 is found, it will be inspected as required by the permit. Our storm system map is available online, as stated and linked in Section B of the annual

report, and found in the link below: <https://buckyearizona.maps.arcgis.com/apps/opsdashboard/index.html#/d0965135ce7c4f98916d4bc9da8841f9>. Based on our conversation in your offices in January, 2019, we continue to update our maps to ensure any city owned systems that discharge to any system that connects directly or indirectly to a WOTUS is separately noted to be a MS4.

- b. Indicators of program success per 6.4.3.9 – Program success includes the number of inspections performed to ensure the MS4 remains free of illicit discharges. A very large number of inspections for illicit discharges occur throughout the city; however, the mapping noted in part 3.a above and as stated in the annual report, indicates that the city has no MS4. There is no ability to show a measure of success for protecting a system that does not exist. That being stated, our staff perform pollution prevention inspections for homes and for businesses multiple times per year. As mapping continues, progress may be measured as inspections in areas that contain MS4s are completed, and this will be a reportable number when an MS4 has been found. Based on our conversation in your offices in January, 2019, we continue to update our maps to ensure any city owned systems that discharge to any system that connects directly or indirectly to a WOTUS is separately noted to be a MS4.
 - c. Unpermitted discharges per 6.4.3.11 - As reported, the city performs and documents significant inspection activities to stop pollution from flowing into the storm system; however, during this reporting year there was no MS4 recognized, none of the inspections performed had discharges that flowed to City owned MS4, therefore no information to report. That being said, the mapping activities continue, and when businesses in areas that discharge directly or indirectly to WOTUS are found, these inspections will be noted in this report.
4. Part G – Section 6.4.4
- a. Section 6.4.4.2b – please note, as listed in Section B of the annual report, as well as wording stated in Part F, Outfall Inventory, there has been no MS4 recorded in the city by the end of this permit year. Although there is a great deal of construction, none of it occurs or discharges to a recognized MS4, and therefore there is no inventory to report for this section.
 - b. Section 6.4.4.4 – The City has sponsored two regional educational outreach events for engineers and contractors. The AZWater Construction Stormwater Workshop on April 18, 2018, and the STORM construction stormwater regional educational outreach event in June of 2018. Additionally, the city educates engineers, developers, and contractors on BMPs required on construction sites throughout the application and approval process. All construction applicants are notified that the city is under an MS4 permit, to copy the city on their CGP permit, and to submit the SWPPP required by the AZPDES CGP. All applicants are informed to maintain and install approved erosion and sedimentation controls, and these are required and enforced on all plans. Moreover, the city has drafted an updated construction BMP manual requiring Waste, Erosion, and Sedimentation (WES) controls on construction sites that discharge to the MS4.
5. Part H – Section 6.4.5 – As noted in the Apollo Report, the discharge point noted in this report was originally believed to be a discharge to a tributary to the Gila River. Upon further mapping investigation, and as discussed in our January, 2019 meeting in your offices, it was found that the receiving wash flowed to a detention basin designed to a 1hour, 500year rain event; this basin discharged to a basin a few miles away owned by the Flood Control District of Maricopa County, and this structure has been found to be a detention basin with have no outfall. The flows from the Verrado

subdivision referenced in the Apollo report do not discharge to a system that enters a Water of the United States (WOTUS)/Water of the State, and is therefore not an MS4. Please note, based on our January, 2019 conversation, and based on ongoing mapping activities, the City will continue to complete our maps, and any system that directly or indirectly discharges to a WOTUS will be designated separately from storm systems that are not MS4.

6. Map of “Urbanized” areas: As discussed in your offices in January, 2019, and sent under separate email, the city has provided a map of the federally managed Urbanized Area.


Thank you for this letter. I believe some of the deficiency observed may be related to the findings of the mapping activity to date. As this map is updated, changes to the program will be implemented. Additional deficiencies in the information reported are also due to the apparent incongruence between the permit, the SWMP, and the annual report form. It is understood that the online features from myDEQ may resolve some of this incongruence. Thank you for the opportunity to answer these questions.

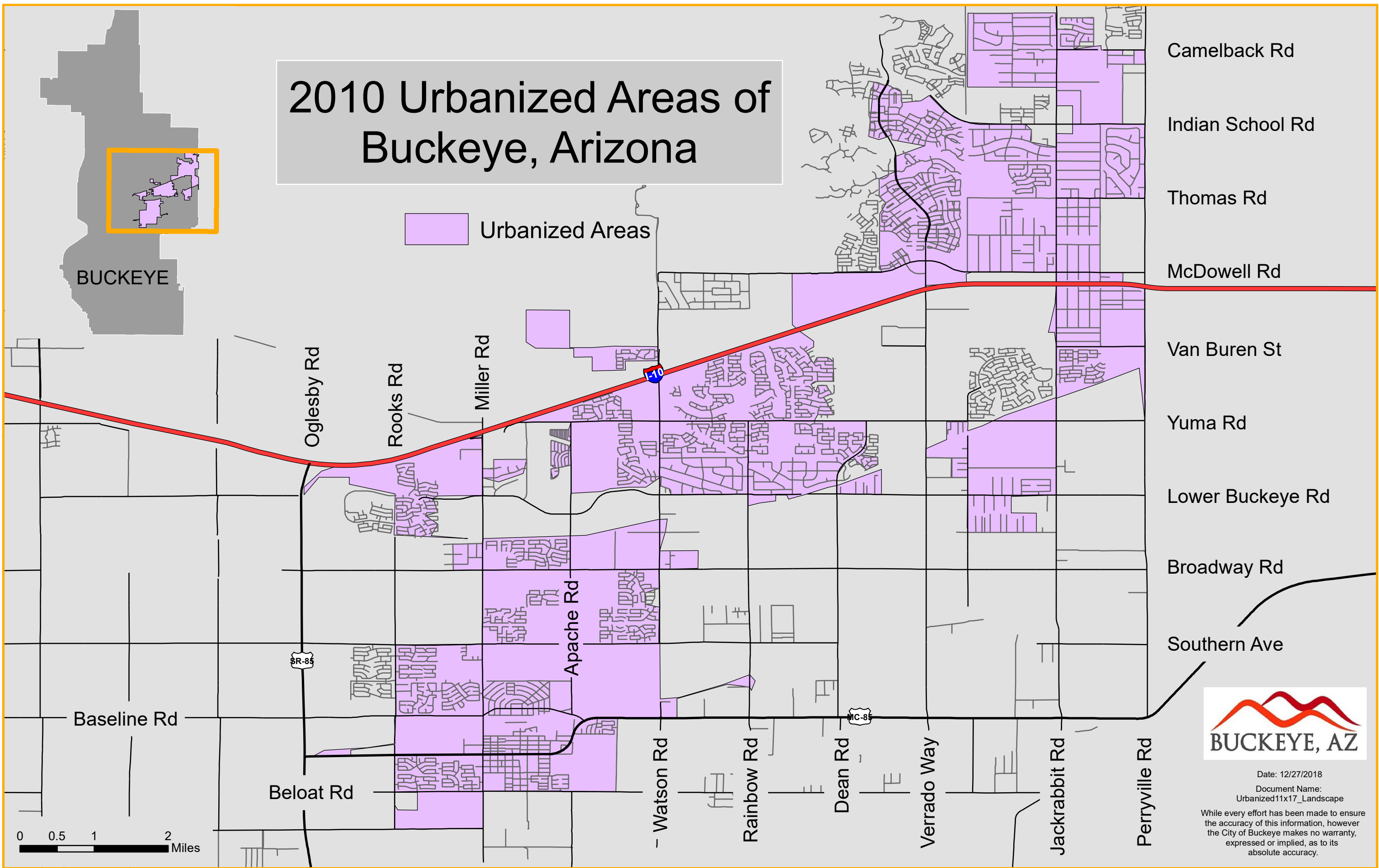
Please let me know if there are any more questions.

Best regards,

Robert van den Akker
Environmental Manager

2010 Urbanized Areas of Buckeye, Arizona

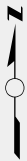
 Urbanized Areas



Date: 12/27/2018

Document Name:
Urbanized11x17_Landscape

While every effort has been made to ensure the accuracy of this information, however the City of Buckeye makes no warranty, expressed or implied, as to its absolute accuracy.



Hydrology of Buckeye

Impaired Waterways

- Hassayampa River
- Gila River
- Wagner Wash
- Centennial Wash

- Hassayampa River
- Gila River
- Arlington Canal
- Buckeye Water Conservation Canal
- Roosevelt Irrigation District Canal

- City Owned Urbanized Area
- County Owned Urbanized Area
- Buckeye Annexations
- Buckeye Planning Area

Buckeye, Arizona

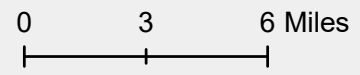
Roosevelt Irrigation District Canal

Buckeye Water Conservation Canal

Arlington Canal

Centennial Wash

Wagner Wash



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Douglas A. Ducey
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Misael Cabrera
Director

Via Electronic Mail

February 22, 2019

SWP19-0084

City of Buckeye
Robert van den Akker
23454 West MC 85
Buckeye, AZ 85326

Re: Review of the City of Buckeye's Small MS4 Program

Dear Mr. van den Akker:

The Arizona Department of Environmental Quality (ADEQ) received the City of Buckeye's Small Municipal Separate Storm Sewer System (MS4), 2018 Annual Report on September 24, 2018 and additional information provided on February 21, 2019. ADEQ has completed its review and determined that your MS4 program is in substantial compliance with the permit.

Required Information

- No additional information is required at this time.

How to Submit

Please submit any additional documents sent in response to this letter using one of the following methods:

- Hard copy to ADEQ, Attention: Rosi Sherrill, Stormwater and General Permits Unit, 1110 W. Washington Street, Phoenix, AZ 85007
- E-mail to: sherrill.laurie@azdeq.gov

Thank you for your efforts to comply with Arizona's environmental requirements. Should you have any comments or questions regarding this matter, please do not hesitate to contact me at (602) 771-4409.

Sincerely,

Laurie (Rosi) Sherrill
Surface Water Permits