

**STATE OF ARIZONA
AQUIFER PROTECTION PERMIT NO. P-106020
PLACE ID 133768, LTF 47885**

1.0 AUTHORIZATION

AUTHORIZATION TO CLOSE A DISCHARGING FACILITY IN A MANNER SUCH THAT CURRENT AND REASONABLY FORESEEABLE FUTURE USES OF THE AQUIFER ARE PROTECTED

In compliance with the provisions of Arizona Revised Statutes (A.R.S.) Title 49, Chapter 2, Articles 1, 2 and 3, Arizona Administrative Code (A.A.C.) Title 18, Chapter 9, Articles 1 and 2, A. A. C. Title 18, Chapter 11, Article 4 and amendments thereto, and the conditions set forth in this permit, Scottsdale Auto Wash is hereby authorized to close the two impoundments located at 8999 East Via Linda in the City of Scottsdale, Maricopa County, Arizona, over groundwater of the Middle Gila in Section 30, Township 3 North, Range 5 East of the Gila and Salt River Base Line and Meridian.

This permit becomes effective on the date of the Water Quality Division Director's signature and shall be valid for the life of the facility (operational, closure, and post-closure periods), unless suspended or revoked pursuant to A.A.C. R18-9-A213. The permittee shall construct, operate and maintain the permitted facilities:

1. Following all the conditions of this permit including the design and operational information documented or referenced below, and
2. Such that Aquifer Water Quality Standards (AWQS) are not violated at the applicable point(s) of compliance (POC) set forth below, or if an AWQS for a pollutant has been exceeded in an aquifer at the time of permit issuance, that no additional degradation of the aquifer relative to that pollutant, and as determined at the applicable POC, occurs as a result of the discharge from the facility.

1.1 PERMITTEE INFORMATION

Facility Name: Scottsdale Auto Wash Impoundment Ponds

Permittee: Scottsdale Auto Wash	Mailing Address: 1920 S. Alma School Rd. Mesa, Arizona 85210	Facility's Street Address: 8999 E. Via Linda Scottsdale, Arizona 85258
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Facility Contact: Brian O'Connor 480-838-7333

Emergency Contact Telephone Number: 480-838-7333

Latitude: 32° 39' 57.8" North **Longitude:** 114° 28' 39.5" West

Legal Description: The Southwest Quarter of Section 30, Township 3 North, Range 5 East of the Gila and Salt River Baseline and Meridian

1.2 AUTHORIZING SIGNATURE

Henry R. Darwin, Acting Director
Water Quality Division
Arizona Department of Environmental Quality
Signed this ____ day of _____, 2009

2.0 SPECIFIC CONDITIONS [A.R.S. §§ 49-203(4), 49-241(A)]**2.1 Facility / Site Description [A.R.S. § 49-243(K)(8)]**

Scottsdale Auto Wash is a retail vehicle washing facility. The two impoundments that previously received rinse water prior to the washing of vehicles are the subjects of this closure permit and have an estimated construction date of 1998, and a combined storage capacity of approximately 3,100 gallons. These two impoundments were about 10 feet and 15 feet in diameter, respectively, included liners, and were cleaned out approximately twice annually, according to onsite personnel. These impoundments were never permitted and were the subject of a Notice of Violation (NOV), issued by the Water Quality Division, Compliance Section on April 10, 2008, initiated as a result of a compliance inspection performed on January 10, 2008. The NOV was issued due to unauthorized discharges to Aquifer Protection Permit (APP) facilities (the impoundments). The APP application and closure information was submitted in response to the NOV.

The two impoundments have since undergone remediation and closure. Discharge to the impoundments ceased immediately upon receipt of the NOV and discharge is now routed to the sanitary sewer, via a lined collection trench, and passage through an oil/water separator.

Discharging Facilities:

Locations of the discharging facilities are as follows:

Facility	Latitude	Longitude
West Impoundment	33° 34' 07.54" North	111° 53' 15.60" West
East Impoundment	33° 34' 07.63" North	111° 53' 15.04" West

2.2 Best Available Demonstrated Control Technology

[A.R.S. § 49-243(B) and A.A.C. R18-9-A202(A)(5)]

BADCT is not a condition of this permit. Closure activities are documented throughout this section.

2.3 Point of Compliance [A.R.S. § 49-244]

The POC is located on the western edge of the pollutant management area, which is located in the area downgradient from both discharging facilities.

POC Location	Latitude	Longitude
POC 1	33° 34' 22" North	112° 07' 16" West

2.4 Impoundment Closure Activities [A.R.S. § 49-252]**2.4.1 Closure Activities Completed**

Soil samples were collected from two borings at 2 feet and 4.5 feet, from beneath each impoundment. The soil samples were analyzed for volatile organic compounds (VOCs) by EPA Method 8260B, hydrocarbons by EPA Method 8015AZ, and the eight Resource Conservation and Recovery Act (RCRA) metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver) by EPA Methods 6010 and 7471. A sample of the impoundment water was also collected and analyzed for VOCs, the RCRA eight metals, and polynuclear aromatic hydrocarbons (PAHs) by EPA Method 8270.

The soil sampling results all resulted in values below the corresponding groundwater protection level (GPL) and soil remediation level (SRL). The water sample had one constituent, selenium, above the corresponding AWQS at a concentration of 0.77 milligrams per liter (mg/l); however, since the water was removed and the soils beneath the lined impoundments showed no indication of impact, the selenium in the water is not a concern or suspected threat to groundwater. Although the eight RCRA metals analyzed do not represent the full suite of metals for which a GPL is

available, it is not considered necessary to sample for the other GPL metals (antimony, beryllium, cadmium, nickel, and thallium) or fluoride, as the RCRA suite serves as indicator parameters, and it is not anticipated other metals would have been present in the discharge.

The impoundments were excavated by hand to approximately 2 feet beyond the contour to remove visibly impacted soils. The final depth corresponded to the depth at which the initial soil samples were collected. The excavated soils were transported to a private landfill, Dirt 101 Operations, LLC, located in Litchfield Park, Arizona. Landfill receipts were provided in the application package. Each impoundment was backfilled with clean material and compacted.

The closure activities performed on the two impoundments, with the addition of the collection trench, remove any reasonable probability of further discharge from the facility, or of exceeding the AWQS at the POC. The depth to water beneath the facility is estimated to be approximately 370 feet.

2.4.2 Trench Installation and Handling of Future Discharges

Future discharges from the rinsing of vehicles shall be captured and collected into a lined trench that routes the discharge to the sanitary sewer, which is exempt from APP as per A.R.S. § 49-250(B)(7). The trench design package was reviewed by ADEQ and determined to be exempt from APP as per A.R.S. § 49-250(B)(21).

2.5 Other Permit Conditions

2.5.1 This closure permit reserves ADEQ's right to require additional investigation including any necessary remediation if ADEQ becomes aware of new evidence which would alter its determination.

2.5.2 Other permit conditions including monitoring, alert levels, contingency plans, record keeping, and post-closure plans are not required for the closure of the two impoundments located at Scottsdale Auto Wash on East Via Linda in Scottsdale, Arizona.

2.6 Reporting Requirements

[A.R.S. § 49-243(K)(2) and R18-9-A207]

2.6.1 Reporting Location

All documents required by this permit to be submitted to the Water Quality Compliance Section shall be directed to:

Arizona Department of Environmental Quality
Water Quality Compliance Section
Mail Code: 5415B-1
1110 W. Washington Street
Phoenix, AZ 85007
Phone (602) 771-4497

All documents required by this permit to be submitted to the Groundwater Section shall be directed to:

Arizona Department of Environmental Quality
Groundwater Section
Mail Code: 5415B-3
1110 W. Washington Street
Phoenix, AZ 85007
Phone (602) 771-4428

3.0 COMPLIANCE SCHEDULE [A.R.S. § 49-243(K)(5) and A.A.C. R18-9-A208]

Not applicable for this Permit.

4.0 REFERENCES AND PERTINENT INFORMATION

The terms and conditions set forth in this permit have been developed based upon the information contained in the following, which are on file with the Department:

1. Individual Aquifer Protection Permit Application received by ADEQ on June 18, 2008,
2. A Comprehensive Request for Additional Information by ADEQ dated September 19, 2008,
3. Impoundment Ponds Closure Report received by ADEQ on February 23, 2009, and
4. A site map in response to comments received by ADEQ on July 9, 2009, via electronic mail.

5.0 NOTIFICATION PROVISIONS

5.1 Annual Registration Fees

The permittee is notified of the obligation to pay an Annual Registration Fee to ADEQ. The Annual Registration Fee is based upon the amount of daily influent or discharge of pollutants in gallons per day as established by A.R.S. § 49-242.

5.2 Duty to Comply [A.R.S. §§ 49-221 through 49-263]

The permittee is notified of the obligation to comply with all conditions of this permit and all applicable provisions of Title 49, Chapter 2, Articles 1, 2 and 3 of the Arizona Revised Statutes, Title 18, Chapter 9, Articles 1 through 4, and Title 18, Chapter 11, Article 4 of the Arizona Administrative Code. Any permit non-compliance constitutes a violation and is grounds for an enforcement action pursuant to Title 49, Chapter 2, Article 4 or permit amendment, suspension, or revocation.

5.3 Duty to Provide Information [A.R.S. §§ 49-243(K)(2) and 49-243(K)(8)]

The permittee shall furnish to the Director, or an authorized representative, within a time specified, any information which the Director may request to determine whether cause exists for amending or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

5.4 Compliance with Aquifer Water Quality Standards [A.R.S. §§ 49-243(B)(2) and 49-243(B)(3)]

The permittee shall not cause or contribute to a violation of an aquifer water quality standard at the applicable point of compliance for the facility. Where, at the time of issuance of the permit, an aquifer already exceeds an aquifer water quality standard for a pollutant, the permittee shall not discharge that pollutant so as to further degrade, at the applicable point of compliance for the facility, the water quality of any aquifer for that pollutant.

5.5 Technical and Financial Capability

[A.R.S. §§ 49-243(K)(8) and 49-243(N) and A.A.C. R18-9-A202(B) and R18-9-A203(E) and (F)]

The permittee shall have and maintain the technical and financial capability necessary to fully carry out the terms and conditions of this permit. Any bond, insurance policy, trust fund, or other financial assurance mechanism provided as a demonstration of financial capability in the permit application, pursuant to A.A.C. R18-9-A203(D), shall be in effect prior to any discharge authorized by this permit and shall remain in effect for the duration of the permit.

5.6 Reporting of Bankruptcy or Environmental Enforcement [A.A.C. R18-9-A207(C)]

The permittee shall notify the Director within five days after the occurrence of any one of the following:

1. The filing of bankruptcy by the permittee.
2. The entry of any order or judgment not issued by the Director against the permittee for the enforcement of any environmental protection statute or rule.

5.7 Monitoring and Records [A.R.S. § 49-243(K)(8) and A.A.C. R18-9-A206]

The permittee shall conduct any monitoring activity necessary to assure compliance with this permit, with the applicable water quality standards established pursuant to A.R.S. §§ 49-221 and 49-223 and §§ 49-241 through 49-252.

5.8 Inspection and Entry [A.R.S. §§ 41-1009, 49-203(B) and 49-243(K)(8)]

In accordance with A.R.S. §§ 41-1009 and 49-203(B), the permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to enter and inspect the facility as reasonably necessary to ensure compliance with Title 49, Chapter 2, Article 3 of the Arizona Revised Statutes, and Title 18, Chapter 9, Articles 1 through 4 of the Arizona Administrative Code and the terms and conditions of this permit.

5.9 Duty to Modify [A.R.S. § 49-243(K)(8) and A.A.C. R18-9-A211]

The permittee shall apply for and receive a written amendment before deviating from any of the designs or operational practices specified by this permit.

5.10 Permit Action: Amendment, Transfer, Suspension & Revocation

[A.R.S. §§ 49-201, 49-241 through 251, A.A.C. R18-9-A211, R18-9-A212 and R18-9-A213]

This permit may be amended, transferred, renewed, or revoked for cause, under the rules of the Department.

The permittee shall notify the Groundwater Section in writing within 15 days after any change in the owner or operator of the facility. The notification shall state the permit number, the name of the facility, the date of property transfer, and the name, address, and phone number where the new owner or operator can be reached. The operator shall advise the new owner or operators of the terms of this permit and the need for permit transfer in accordance with the rules.

6.0 ADDITIONAL PERMIT CONDITIONS

6.1 Other Information [A.R.S. § 49-243(K)(8)]

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, the permittee shall promptly submit the correct facts or information.

6.2 Severability

[A.R.S. §§ 49-201, 49-241 through 251, A.A.C. R18-9-A211, R18-9-A212 and R18-9-A213]

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby. The filing of a request by the permittee for a permit action does not stay or suspend the effectiveness of any existing permit condition.

6.3 Permit Transfer

This permit may not be transferred to any other person except after notice to and approval of the transfer by the Department. No transfer shall be approved until the applicant complies with all transfer requirements as specified in A.A.C. R18-9-A212(B) and (C).