

CHAPTER 12 SEWER

Article 12-1 ADOPTION OF SEWER CODE

That certain document entitled "Sanitary Sewer Code, City of Coolidge" passed and adopted by Ordinance No. 148 is hereby adopted as the "Sanitary Sewer Code, City of Coolidge" and made a part of this chapter the same as though said code was specifically set forth in full herein; and at least three copies of said code shall be filed in the office of the clerk and kept available for public use and inspection.

Article 12-2 Management of the System<sup>1</sup>

The City Council shall have the immediate control and management of all things pertaining to the City sewer system and shall cause to be performed all acts that may be necessary for the prudent, efficient and economical management and protection of said sewer system. The City Council shall have the power to prescribe such other and further rates, rules and regulations as it may deem necessary.

Article 12-3 Application for Service<sup>2</sup>

- 12-3-1 Application
- 12-3-2 Grounds for Rejection of Application
- 12-3-3 Violation of Application Provisions

Article 12-3-1 Application

In advance of receiving any sewer service provided by the City, a formal application shall be submitted by the property owner, his/her agent, or the occupant of the property to the Finance Department. Proof of purchase date or a copy of the lease agreement is required. As a term and condition of providing service, the City may require that outstanding amounts owed by the applicant at a previous location be paid.

Article 12-3-2 Grounds for Rejection of Application

The City may reject any application for sewer service for any good and sufficient reason including the following: service not available under a standard rate; service which involves excessive service expense; service which may affect the service or supply to other customers; the applicant is delinquent in payment of any monies due to the City; any other reasons that in the judgment of the Finance Director or its designee makes it impractical for the City to provide sewer services.

---

<sup>1</sup> AMENDED ARTICLE 12-2

<sup>2</sup> ADDED ARTICLE 12-3

Ordinance No. 11-12

Ordinance No. 11-12

Adopted 07/11/11

Adopted 07/11/11

Article 12-3-3 Violation of Application Provisions

For violation of any of the provisions related to application for sewer service, the City shall, at the expiration of fifteen (15) days after mailing written notice to the last known address of the customer and providing an opportunity for a hearing, at its option, cap the sewer valve and discontinue service. Where the valve has been capped, the customer shall first pay to the City a reconnection charge which shall be set by resolution of the City Council.

Article 12-4 Deposit<sup>3</sup>

- 12-4-1 Deposit Required
- 12-4-2 Payment Responsibility

Article 12-4-1 Deposit

The City may require deposits of any customer for any service provided by the City or its designee before such service is provided. The total amount of the deposit shall be determined by taking into consideration the anticipated amounts which will be billed for services provided, the past payment record, if any, of the customer, and any other information the City may deem necessary in order to provide an adequate deposit. The deposit will not be less than the amount established by resolution. Deposits shall be non-interest bearing and shall be refunded to the customer upon discontinuance of service and payment of charges, provided that charges may be deducted from said security deposit before the refund is made. In addition, customers may request that their deposits be refunded when their sewer bill has been paid in full by the due date for four (4) consecutive billing periods. Refunds will be applied to the account on the next billing.

Article 12-4-2 Payment Responsibility

The individual who has contracted for the service and resides or has resided at the service address shall be responsible for payment of all bills incurred in connection with the sewer service provided. A property owner, an immediate family member of the person who does not reside at the property or any other entity, at its sole discretion, may contract for sewer service with the City for such services and shall provide payment to the City for such services.

Article 12-5 Lien Enforcement For Unpaid User Fees<sup>4</sup>

- A. The Finance Director may file a lien on property for the

---

<sup>3</sup> ADDED ARTICLE 12-4

<sup>4</sup> ADDED ARTICLE 12-5

Ordinance No. 11-12

Ordinance No. 11-12

Adopted 07/11/11

Adopted 07/11/11



Article 12-6-1                    Notice Required

Any person who desires to discontinue sewer services shall make a formal request to the Finance Department at least three (3) business days in advance of the requested termination of service. Until a request to discontinue service is received, such premises shall be deemed occupied by such customer and the customer's liability for services provided to the property will continue.

Article 12-6-2                    Discontinuance Under Certain Conditions

The City may discontinue sewer service under any of the following conditions:

- A. To prevent fraud or abuse
- B. Disregard of the City rules pertaining to sewer service
- C. Emergency repairs
- D. Insufficient supply caused by factors outside the control of the City
- E. Legal process
- F. Direction of public authorities
- G. Local emergency requiring emergency measures
- H. Non-payment of any monies due to the City for any services, fines, or assessments billed to the customer

Article 12-7                        Rates and Bills<sup>6</sup>

- 12-7-1            Sewer Rates
- 12-7-2            Sewer Bill
- 12-7-3            Disputed Bill
- 12-7-4            Commencement of Charges

Article 12-7-1                    Sewer Rates

There shall be levied and assessed upon the owner or the occupant of the property who has contracted for sewer service with the City a sewer user charge. The City Council shall by resolution determine rates for sewer service. Service for a time period less than a month may be charged at the minimum monthly rate.

Article 12-7-2                    Sewer Bill

- A. Charges for sewer services will be billed quarterly and are due and payable when rendered and shall be deemed delinquent thirty (30) days after the statement is rendered. A late charge established by the Finance Director subject to the approval of the City Manager may be assessed on any unpaid balance for charges that are past due at the time of billing.

---

<sup>6</sup> ADDED ARTICLE 12-7

It is the responsibility of the person or persons in whose name or names an account has been established to pay all charges in full and on a timely basis. Failure to receive a sewer bill will not excuse the account holder or holders from full and timely payment for the services.

The City reserves the right to vary the dates or length of billing periods temporarily or permanently, if necessary or desirable.

- B. In the event that said bill is not paid before said delinquent date then City shall take whatever action is necessary on or after said delinquent date to collect any unpaid fees including prosecuting said claim in a Court of appropriate jurisdiction against those who are delinquent and using all lawful ways and means for the collection of said claim. Any account requiring special collection efforts may be assessed collection charges, as established by the Finance Director and subject to the approval of the City Manager.

The City may elect to assign unpaid charges, fees, or assessments to a collection agency or attorney to collect. The City may recover all costs of litigation and collection from the account holder, including reasonable attorneys' fees.

The Finance Director may also post at appropriate buildings and publish in the newspaper or other media a list of property owners and/or renters who have delinquent accounts with the City for sewer service.

Sewer user charges shall be considered delinquent and subject to special collection efforts, up to and including the disconnect of any or all services, for any of the following reasons:

1. Failure to pay for any services, fees, or assessments by the due date
2. Nonpayment of a bill for services rendered to the account holder at a previous location
3. Non-sufficient funds checks
4. Stop payments imposed on checks after their tender to the City.

Prior to terminating service for nonpayment of amounts due, the City will send by ordinary mail, written notice of the scheduled disconnect date to the account holder.

Payment for any and all monies due the City, including any reinstatement costs or fees, will be expected prior to the reinstatement of services.

When the City has been required to make special collection efforts on an account three (3) times in a twelve (12) month period, the Finance Director or his/her designee may require an additional deposit amount equal to three (3) times the average of their last three (3) bill amounts.

Section 12-7-4                    Disputed Bill

Any customer may present a claim to the City if he/she believes that he/she may have received an incorrect bill. Such claim shall be presented in person or in writing to the Finance Department before such bill becomes delinquent, provided that the customer may make a claim following payment of his/her bill and his/her payment shall not prejudice his/her claim. Such claim shall not exempt the customer from delinquency penalties if he/she fails to pay the undisputed portion on time. Users are responsible for all leaks or damages caused by leaks occurring on the user's side of the connection valve.

Section 12-7-5                    Commencement of Charges

The City shall commence sewer user charges for a customer upon the first day that sewer service is available to the property.

ARTICLE 12-8	WASTEWATER PRETREATMENT <sup>7</sup> <sup>8</sup>
12-8-1	General Provisions
12-8-2	Regulations, Standards and Limitations
12-8-3	Fees
12-8-4	Discharge Permit Application and Requirements
12-8-5	Monitoring, Reporting, Notification and Inspection Requirements
12-8-6	Enforcement

**Section 12-8-1 GENERAL PROVISIONS**

A. Purpose and Policy

This Article sets forth uniform requirements for direct and indirect industrial dischargers into the wastewater collection and treatment system for the City and enables the City to comply with a POTW Pretreatment Program mandated by Arizona Revised Statutes § 49-255.02, the Aquifer Protection Permit issued by ADEQ (Arizona Department of Environmental Quality) for the City POTW and all applicable State and federal laws required by the Clean Water Act of 1977 as amended by the Water Quality Act of 1987 and the General Pretreatment Regulations (40 CFR Part 403).

The objectives of this Article are:

- 1) To prevent the introduction of Pollutants into the City Wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- 2) To protect the City's sewerage system, groundwater resources, effluent receiving waterways, and to prevent the introduction of Pollutants into the City Wastewater system which will pass through the system, inadequately treated, into receiving waters, groundwater resources, or the atmosphere;
- 3) To improve the opportunity to recycle and reclaim Wastewater and sludge from the system;
- 4) To provide for equitable distribution of the cost of the City Wastewater system; and
- 5) To protect both the publicly owned treatment works personnel who may be affected by Wastewater and sludge in the course of their employment and the general public.

This Article incorporates by this reference the Technical Based Local Limits Reports: "Defining and Justifying Local Discharge Limits Under EPA's Pretreatment Program, Volume One and Two."

---

<sup>7</sup> ADDED ARTICLE 12-3

<sup>8</sup> ADDED ARTICLE 12-8

**Ordinance No. 11-02**

**Ordinance No. 13-05**

**Adopted 04/11/11**

**Adopted 03/25/13**

This Article provides for the regulation of discharges to the City Wastewater system through the issuance of permits to certain non-domestic Users and through enforcement of general requirements for the other Users, authorizes monitoring and enforcement activities, requires User reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program as established herein.

This Article shall apply to the City and to Persons outside the City who are, by contract or agreement with the City, Users of the City POTW. Except as otherwise provided herein, the Public Works Director, as the Control Authority shall administer, implement, and enforce the provisions of this Article.

## B. Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Article shall have the meanings hereinafter designated:

1. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 U.S.C. 1251, et seq.
2. Approval Authority. The Administrator of the EPA, Region IX or the Director of the Arizona Department of Environmental Quality as appropriate.
3. Authorized Representative of the User. An authorized representative of a User, may be: (1) A principal executive officer of at least the level of vice-president, if the User is a corporation; (2) A general partner or proprietor if the User is a partnership or proprietorship, respectively; or (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect Discharge originates.
4. Baseline Monitoring Report (BMR). Facility and Wastewater Discharge information provided by the Categorical Industrial User.
5. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, (five days at 20 Degree Celsius (°C) expressed in terms of weight and concentration (milligrams per liter (mg/L)).
6. Blowdown. The minimum Discharge of re-circulating water for the purpose of discharging materials contained in the water, the

- further buildup of which would cause concentration amounts exceeding established limits.
7. Building Sewer. A sewer conveying Wastewater from the premises of a User to the POTW.
  8. Bypass. The intentional diversion of Waste streams from any portion of a treatment facility.
  9. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of Users and which appear in 40 CFR, Chapter I, Subchapter N.
  10. Categorical Industrial User. All Users subject to Categorical Pretreatment Standards.
  11. Chemical Oxygen Demand (COD). The measure of chemically decomposable material in domestic or industrial Wastewaters as represented by the oxygen utilized as determined by the appropriate procedure described in Standard Methods.
  12. Compliance Schedule. Increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of Pretreatment facilities.
  13. Composite Sample. A combination of no fewer than 12 individual samples obtained at equal time intervals over a 24 hour period, and where appropriate, composited according to Wastewater flow rates during the 24 hours. Dischargers required to have Wastewater flow monitoring systems shall use such systems to obtain accurate flow-proportioned composite samples.
  14. City. The City of Coolidge.
  15. Code of Federal Regulations (CFR). The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The CFR is divided into 50 titles which represent broad areas subject to Federal regulation. The CFR is kept up to date by the individual issues of the Federal Register. These two publications must be used together to determine the latest version of any given rule.
  16. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only Pollutant added is heat.

17. Control Authority. The Public Works Director of the City of Coolidge, who is the person designated by the City to supervise the operation of the Publicly Owned Treatment Works and who is charged with certain duties and responsibilities under this Article.
18. Direct Discharge. The Discharge of treated or untreated Wastewater directly to the waters of the State.
19. Discharge or Discharges. The intentional or unintentional release of a substance into the POTW.
20. Discharge Limit. A limit on the amount and/or concentration of a Pollutant which is discharged to the POTW. This limit is specific for a controlled Pollutant. The limit may be expressed as milligrams per liter (mg/L) or similar appropriate units, or as a mass or specific amount per unit of time, or as mass per unit volume or mass of material processed.
21. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Regional Water Management Director or other duly authorized official of said agency.
22. Existing Source. Any source which is not a New Source or a new Indirect Discharge.
23. Federal Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR Part 403.5.
24. Food Service Facility. Any facility involved with the preparation and/or sale of food. This includes but is not limited to: restaurants, bakeries, grocery stores and cafeterias.
25. Grab Sample. Any individual sample collected in less than 15 minutes on a one-time basis.
26. Hazardous Substance. As listed in 40 CFR Part 300.6 (1988): Hazardous Substance, as defined by section 101(14) of CERCLA, means; Any substance designated pursuant to section 311(b)(2)(A) of the CWA; any element, compound, mixture, solution, or substance designated pursuant to section 102 of CERCLA; any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by an Act of Congress); any toxic pollutant listed under section 307(a) of the Clean Water Act (CWA); any

hazardous air pollutant listed under section 112 of the Clean Air Act; and any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act, The term does not include petroleum, including crude oil or any fraction thereof, which is not otherwise specifically listed or designated as a hazardous substance in the first sentence of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

27. Hazardous Waste. A hazardous waste as defined in 40 CFR Part 261.3.
28. Holding Tank Waste. Any Waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
29. Indirect Discharge. Any introduction into the POTW of a non-domestic pollutant which (i) is produced by a source which would be subject to any Categorical Standards or Pretreatment Requirements if such source were to be discharged to the POTW; and (ii) contains any substance or pollutant for which a discharge limitation or prohibition has been established by an Categorical Standard or Pretreatment Requirement.
30. Industrial User/Industrial Discharger. A source of Indirect Discharge of regulated Wastes which does not necessarily constitute a "Discharge of Pollutants" under regulations issued pursuant to Article 402 of the Act (33 U.S.C. 1342).
31. Industrial Waste. Any liquid, free-flowing waste, including cooling water, resulting from any industrial or manufacturing process or from the development, recovery or processing of natural resources, with or without suspended solids excluding uncontaminated water.
32. Industrial Wastewater Discharge Permit (Permit). A permit issued by the Control Authority to an Industrial User granting the right to discharge to the POTW Industrial Wastewater containing regulated Wastes controlled by this Article and subject to the terms and conditions set forth in the Permit.
33. Interference. Discharge which, alone or in conjunction with a Discharge or Discharges from other sources, both: a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and b) Therefore is a cause of a violation of any requirement of the POTW's NPDES, Aquifer Protection Permit or other permit (including an increase in the magnitude or duration of a violation) or of the

prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title H, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

34. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
35. National Pretreatment Standard. Any regulation containing Pollutant Discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive Discharge limits established pursuant to Part 403.5.
36. National Pollution Discharge Elimination System (NPDES) Permit. A permit issued pursuant to Article 402 of the Act.
37. New Source. 1) Any building, structure, facility or installation from which there is or may be a Discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
  - i) The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source; or
  - iii) The production or Wastewater generating processes of the building, structure, facility or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in

the same general type of activity as the Existing Source should be considered.

2) Construction on a site at which an Existing Source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (1)(i), or (1)(ii) of this section but otherwise alters, replaces, or adds to existing process or production equipment.

3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has either: (A) Begun, or caused to begin as part of a continuous onsite construction program: (i) any placement, assembly, or installation of facilities or equipment; or (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or (B) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

38. Non-Categorical Industrial Users. Users that have Industrial Discharges from processes or industries that are not listed in 40 CFR Chapter I, Subchapter N, Parts 405-471.
39. Odor. A smell, vapor or air pollution that affects the air quality of a residential, commercial or industrial sector of the City. The Pollutant quality of the odor will be determined by 51% of the affected population of the sector involved.
40. Operator. A Person who operates a business.
41. Owner. The property owner.
42. Pass-Through. A Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit including an increase in the magnitude or duration of a violation.
43. Permit. A Wastewater Discharge Permit.

44. Permittee. A User who has been issued a Wastewater Discharge Permit.
45. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.
46. pH. The negative logarithm (base 10) of the hydrogen ion concentration expressed in moles per liter of solution. The measure of the acidity or alkalinity of a solution, expressed in standard units.
47. Pollutant. Something that causes pollution, including but not limited to any dredged point, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, toxicity or odor).
48. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
49. Pretreatment. The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such Pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Part 403.6(d) by dilution as a substitute for Pretreatment.
50. Pretreatment Requirements. Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.
51. Pretreatment Standards. The standards for the allowable Discharge of Industrial Wastewaters to the POTW as specified in Section 12-8-2(G) of this Article. The effective Pretreatment Standards for Significant Industrial Users will be the more restrictive, limiting standard(s) of either the Categorical Pretreatment Standards and those specified in Section 12-8-2(B) of this Article.
52. Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey Wastewater to the POTW Treatment Plant,

but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Article, "POTW" shall also include any sewers that convey Wastewaters to the POTW from Persons outside the City who are, by contract or agreement with the City, Users of the City's POTW.

53. POTW Treatment Plant. That portion of the POTW designed to provide treatment to Wastewater.
54. Public Works Director. The then acting Public Works Director for the City or his duly authorized representative.
55. Representative Sample. A sample portion of material or Waste stream that is as nearly identical in content and consistency as possible to that in the material or Waste stream being sampled.
56. Self Monitoring. Measurements of the User's Wastewater constituents by the User as may be specified by the Control Authority or required under applicable State law and Pretreatment Standards.
57. Shall, Will and May. Shall and will are mandatory; may is permissive.
58. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.
59. Significant Industrial User. Any Categorical Industrial User (CIU). Any other Industrial User that meets one or more of the following criteria: (i) Discharges 25,000 gallons or more of process Wastewater per day; (ii) Contributes a process wastestream which makes up five percent (5%) or more of the dry-weather average hydraulic or organic capacity of the POTW; (iii) Is designated as such by the Control Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating a Pretreatment Standard or Pretreatment Requirement.
60. Significant Noncompliance. An Industrial User is in significant noncompliance if its violations meet one or more of the following criteria:
  - i. Chronic violations of Wastewater Discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same Pollutant parameter;

ii. Technical review criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all of the measurements for each Pollutant parameter taken during a six-month period equal or exceed the product of the daily average limit times the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

iii. Any other violation of a Pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other Discharges, Interference or Pass-Through (including endangering the health of POTW personnel or the general public);

iv. Any Discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a Discharge;

v. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

vi. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

vii. Failure to accurately report noncompliance; or

viii. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

61. Slug Load. Any Pollutant released in a Discharge at a flow rate and/or Pollutant concentration which will cause interference or upset of the POTW; or, any discrete sample, the concentration of which exceeds five times the Discharge limit.

62. Solid Waste. Any garbage, refuse, sludge from a Waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or containing gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities.

63. Spill Containment or Spill Protection Facilities. Physical barrier system of dikes, walls, barriers, berms, or other devices which provides protection from accidental Discharge or spill from the liquid contents of containers into the sewer system of prohibited, hazardous, or other waste materials which are regulated through this Article.
64. State. State of Arizona.
65. Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.
66. Standard Methods. The most current edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association.
67. Stormwater. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
68. Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, Wastewater or other liquids, which is removeable by laboratory filtering.
69. Toxic Pollutant. Any Pollutant or combination of Pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of 40 CFR Part 403 Appendix 8.
70. Upset. An exceptional incident in which there is unintentional and temporary noncompliance with Discharge limits because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless or improper operation.
71. USC. United States Code.
72. User. Any Person, Categorical User, Significant User, Industrial Discharger, or Industrial User who contributes, causes or permits the Discharge of Wastewater into the City's POTW.
73. Waste. Sewage and other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

74. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
75. Wastewater Treatment Facility. That portion of the POTW which is designed to provide treatment of municipal sewage and Industrial Waste.
76. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

## Section 12-8-2 REGULATIONS, STANDARDS AND LIMITATIONS

### A. Regulated Wastes

#### 1. General Discharge Prohibitions

No User shall Discharge or cause to be Discharged to the City's sewerage systems, or to any public sewer that directly or indirectly connects to the City's sewerage system, any Wastes which will interfere with the operation or performance of the POTW and may, have an adverse or harmful effect on sewers, maintenance personnel, personnel or equipment, treatment plant processes or the quality of treatment plant effluent or residue, public or private property, or Wastes which may otherwise endanger the public, the environment, or create a public nuisance. No User shall Discharge or cause to be Discharged to the City's sewerage systems, or to any public sewer that directly or indirectly connects to the City's sewerage systems, any Wastes which adversely affect water reclamation processes or the quality of reclaimed water, cause a violation of any POTW Permit requirements, or place the City in noncompliance with any of the statutory authorities listed in Title 40, Code of Federal Regulations (CFR), Part 403.3(i). These general prohibitions apply to all such Users of a POTW whether or not the User is subject to federal Categorical Pretreatment Standards or any other Federal, State, City or local Pretreatment Standards or Pretreatment Requirements.

The following Wastes are prohibited:

- a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewerage system, the POTW, or to the operation of the POTW. This includes but is not limited to Wastestreams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR Part 261.21. At no time, shall two successive readings on an explosion hazard meter, at the point of Discharge into the system or at any point in the system be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LED) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, solvent, fuel oil, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the Wastewater Treatment Facilities such as,

but not limited to: grease, any garbage, or Waste, other than domestic Wastewater, that is not ground sufficiently to pass through a 3/8-inch screen, dead animals, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, offal, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, Industrial process shavings, diatomaceous earth, grass clippings, rags, spent grains, spent hops, wood, plastics, tar, asphalt residues, mud, or glass grinding wastes or polishing wastes, paper dishes, paper cups, milk containers or other similar paper products whole or ground or materials which tend to solidify in the sewer and obstruct Wastewater flow.

- c) Any Wastewater having a pH less than 5.0 and greater than 9.0, or having any other corrosive or detrimental characteristics capable of causing damage or hazard to the sewerage system or to structures, equipment, and/or personnel of the POTW. Where a User is required by its Permit to continuously monitor the pH of its Wastewater Discharge, the User shall maintain the pH within the range set forth in its Permit.
- d) Any Wastewater containing toxic or poisonous solids, liquids or gas pollutants in sufficient quantity, either singly or by interaction with other Pollutants, to Injure or interfere detrimentally with any Wastewater treatment process, constitute a hazard to humans, animals, or the environment, create a toxic effect in the receiving waters of the POTW, cause a public nuisance, cause any hazardous condition to occur in the sewerage system, or to exceed the limitation set forth in a Categorical Pretreatment Standard.
- e) Any Wastewater containing Toxic Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW and/or the sewerage system in a quantity that may cause acute worker health and safety problems.
- f) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other Wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- g) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria,

guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

- h) Any substance which will cause the POTW to violate its Permit, State or Federal regulations or the receiving water quality standards.
- i) Any Wastewater having a temperature of 60°C (140°F) or higher, or which may cause the temperature of the treatment plant influent to exceed 40°C (104°F). Limits established by the Control Authority in compliance with applicable State or Federal regulations.
- j) Any Waste containing substances that may precipitate, solidify, gel, polymerize or become viscous under conditions normally found in the sewerage system.
- k) Recognizable portions of the human anatomy.
- l) Any Hazardous Waste discharged to any portion of the POTW treatment plant by truck, rail or dedicated pipe line.
- m) Any Discharge of Pollutants, including oxygen demanding Pollutants (BOD, etc.), released at a flow rate and/or Pollutant concentration which a User knows or has reason to know will cause Interference to the POTW. An affirmative defense for a User requires the User to satisfy two conditions as follows: (1) it did not know, or have reason to know, that its Discharge would cause Pass-Through or Interference; and (2) it was in compliance with existing limits for each Pollutant in its Discharge; or, if a limit was not enacted for such Pollutant(s), its Discharge directly before and during, the Pass-Through or Interference did not change substantially from its prior Discharge(s) which occurred when the POTW remained in compliance with its National Pollutant Discharge Elimination System (NPDES) or other operating permit.
- n) Any Wastewater containing any radioactive Waste or isotopes of such half life or concentration as may exceed limits established by the Control Authority in compliance with applicable State or Federal regulations.
- o) Any Wastewater which causes a hazard to human life or creates a public nuisance.

- p) Wastewater which imparts color which cannot be removed by the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.
- q) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin.
- r) Any Waste containing dispersed biodegradable oils, fats, and greases such as lard, tallow or vegetable oil.
- s) Any Waste containing detergents, surface active agents, or other substances, which may cause foaming in the sewerage system.
- t) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater.
- u) Sludges, screenings, or other residues from the Pretreatment of Industrial Wastes.
- v) Medical wastes.
- w) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

When the Control Authority determines that a User(s) is contributing to the POTW any of the above enumerated substances in such amounts as to Interfere with or Pass-Through of the operation of the POTW, the Control Authority shall: (1) Advise the User(s) of the impact of the Discharge on the POTW; and (2) Require the User to correct the Interference with the POTW pursuant to the provisions of Section 12-8-6. Wastewater Discharges in excess of the limits established by the City or applicable Categorical Pretreatment Standards shall constitute excessive concentrations or quantities prohibited by this Article.

## 2. Medical and Infectious Wastes

No Person shall Discharge solid Wastes from hospitals, clinics, offices of medical doctors, dentists, mortuaries, morgues, long term health care, medical laboratories or other medical facilities to the POTW including, but not limited to "red bag" Wastes, hypodermic needles, syringes, instruments, utensils or other paper and plastic items of a disposal nature, or Wastes excluded by other provisions of this Article.

### 3. Prohibition of Dilution and Excessive POTW Hydraulic Loading

No User shall dilute and/or cause excessive POTW hydraulic loading problems; including but not limited to:

- a) Any water added for the purpose of diluting Wastes which would otherwise exceed maximum concentration limits.
- b) Any rain water, storm water runoff, groundwater, street drainage, roof drainage, yard drainage, lawn sprays or uncontaminated water except where prior approval for such Discharge is given by the Control Authority.
- c) Any deionized water, steam condensate or distilled water in amounts which cause problems with hydraulic loading.
- d) Any blow-down or bleed water from heating, ventilating, air conditioning or other evaporative systems exceeding one-third of the makeup water in a 2-hour period.
- e) Any single pass cooling or heating water.

### B. Prohibition of Bypass

Bypass of untreated Industrial Wastewater to the sewer is prohibited. The City may take enforcement action against the User for Bypass, unless:

- 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- 2) There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated Wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- 3) The Permittee submitted notices as required under Section 12-8-5(F).

The Control Authority may approve an anticipated Bypass, after considering its adverse affects, if the Control Authority determines that it will meet the conditions listed in items (1) through (3) above.

### C. Slug Loading

All Users shall prevent Discharge of Slug Loads into the POTW of prohibited, hazardous or other Waste material which are regulated through this Article. Such protection shall be provided and maintained at the User's expense. Detailed plans shall be submitted to the Control Authority for review. No User shall

commence Discharge to the POTW without accidental Discharge protection facilities or procedures.

The City shall at a minimum, evaluate whether each Categorical User and Significant User needs a plan to control Discharges at least once every two (2) years. If the Control Authority determines that a slug control plan is needed for a Categorical User or Significant User of the POTW, the plan shall contain, at a minimum, the following elements:

- 1) Description of Discharge practices, including non-routine batch Discharges;
- 2) Description of stored chemicals;
- 3) Procedures for immediately notifying the POTW of slug Discharges, including any Discharge that would violate a prohibition under Section 12-8-2(A)(1) of this Article, with procedures for follow-up written notification within five (5) days; and
- 4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants (including solvents), and/or measures and equipment for emergency response.

D. Accidental Discharges

Each User shall provide protection from accidental Discharge of prohibited materials or other substances regulated by this Article. Facilities to prevent accidental Discharge of prohibited materials shall be provided and maintained at the Owner's or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be approved by the City before construction of the facility. No User who commences Discharge to the POTW after the effective date of this Article shall be permitted to introduce Pollutants into the system until accidental Discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the requirements of this Article.

In the case of an accidental Discharge Bypass, Upset, spill, or Slug Load, which may endanger people, the environment and/or the POTW, it is the responsibility of the User to immediately

telephone and notify the Control Authority as soon as the User becomes aware of the incident but no later than two (2) hours. The notification shall include location of Discharge, type of waste, concentration and volume, and corrective actions.

1) Written Notice

Within five (5) days following an accidental Discharge; the User shall submit to the Control Authority a detailed written report describing the cause of the Discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Article or other applicable law.

2) Notice to Employees

A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a accidental Discharge. Employers shall insure that all employees who may cause or suffer such an accidental Discharge to occur are advised of the emergency notification procedure.

E. Categorical Pretreatment Standards

Upon the promulgation of the Categorical Pretreatment Standards for a particular industrial subcategorical, if the Federal standard is more stringent than limitations imposed under this Article for sources in that subcategory, then the Categorical Pretreatment Standards for that subcategory shall immediately supersede the limitations imposed under this Article. The Control Authority shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12. The Categorical Standards, found in 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated into this Article. Any new or revised Categorical Pretreatment Standards applicable to local Industrial Users are automatically incorporated into this Article.

F. Modification of Categorical Pretreatment Standards

Where the City's Wastewater treatment system achieves consistent removal of Pollutants limited by Categorical Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the Categorical Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a Pollutant or alteration of the nature of the

Pollutant by the Wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by ninety-five percent (95%) of the samples when measured according to the procedures set forth in Article 403.7(c)(2) of 40 CFR Part 403 - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may then modify Pollutant Discharge limits in the Categorical Pretreatment Standards if the requirements contained in 40 CFR Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

G. Specific Pollutant Limitations

The standards for the allowable Discharge of Industrial Wastewaters to the POTW are listed here. The amount and nature of allowable Discharges will be specified on the Permit and the characteristics of any Discharge shall not exceed those specified in this Article. Users currently discharging wastewater in excess of these standards shall limit the Discharge to conform to the standards, within ninety (90) days of the effective date of this Article. The Control Authority may impose mass limitations where they are appropriate or to promote water conservation as allowed by 40 CFR 403.6(c)(6) in addition to the concentration-based limitations set forth below.

Unless the Control Authority has imposed mass limitations, no Person shall Discharge Industrial Wastewater containing in excess of the following local limits

**Local Limits 2010**

<b>POLLUTANT</b>	<b>LIMIT (mg/L)</b>
Ammonia	35
Arsenic	0.06
Benzene	0.03
Bis (2-ethylhexyl) phthalate	No Limit
5-day Biochemical Oxygen Demand	300
Cadmium	0.1
Chromium, Total	0.3
Copper	0.15
Cyanide	0.2
Lead	0.15
Manganese	No Limit
Molybdenum	0.1
Mercury	0.1
Nickel	1.0
Nitrate	8
Oil and Grease	100
Phenol	100

<b>POLLUTANT</b>	<b>LIMIT (mg/L)</b>
Selenium	0.1
Silver	0.02
Sulfide, Total	6
Toluene	1.0
TSS (Total Suspended Solids)	325
Zinc	0.4

The City accepts at its discretion Discharges of treated, contaminated groundwater to the POTW. In addition to allowing groundwater Discharges to meet all the City technically based local limits, this Article imposes several additional limits, not technically based, on groundwater Discharges.

The additional groundwater limits are:

- 1) Total Petroleum Hydrocarbons - 10.0 mg/L
- 2) Total BTEX (Benzene, toluene, ethylbenzene and xylenes) - 1.0 mg/L
- 3) Any EPA Priority Pollutant other than the technically based local limits indicated for metals -0.75 mg/L
- 4) Any organic solvent - 1 mg/L

These limits are readily achievable by activated carbon technology. The EPA has established that the Best Available Technology (BAT) economically achievable limit for volatile organic solvents and hydrocarbons associated with gasoline is five micrograms per liter (5 mg/L).

H. State Requirements and Limitations

State requirements and limitations on Discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Article.

No User shall ever increase the use of process, water or, in any way, attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or State.

Users who Discharge to the POTW a substance, which, if otherwise disposed of, would be Hazardous Waste are subject to the notification requirements as specified in Section 12-8-5(H).

**Section 12-8-3 FEES**

The City may adopt charges and fees which may include:

- a) Fees for reimbursement for costs of setting up and operating the City's Pretreatment Program.
- b) Fees for monitoring, inspections and surveillance procedures.
- c) Fees for reviewing accidental discharge procedures and construction of facilities.
- d) Fees for permit applications.
- e) Fees for filing appeals.
- f) Fees for consistent removal (by the City) of pollutants otherwise subject to Pretreatment Standards.
- g) Other fees as the City may deem necessary to carry out the requirements contained herein.

The applicable charges and fees to be paid pursuant to this Article shall be set forth in the City's schedule of charges and fees. These fees relate solely to the matters covered by this Article and are separate from all other fees chargeable by the City.

#### **Section 12-8-4 DISCHARGE PERMIT APPLICATION AND REQUIREMENTS**

##### A. Wastewater Discharger

It shall be unlawful to Discharge without a Permit to any natural outlet within the City, or in any area under the jurisdiction of the City, and/or to the POTW any Wastewater except as authorized by the City in accordance with the provisions of this Article.

##### B. Wastewater Discharge Permits

###### 1) Permit for Industrial Wastewater Discharge

Except as hereafter provided, no Person shall Discharge or cause to be Discharged any Industrial Wastewaters directly or indirectly to sewerage facilities owned by the City without first obtaining a Permit. A Permit shall be obtained prior to commencement of any construction of new or modified facilities which will Discharge Industrial Wastewater to the sewer. A separate Permit shall be required for each Industrial Wastewater connection to a public sewer Discharging directly or indirectly to the City's sewerage system. The use of a sewer connection which is the subject of a Permit by anyone other than the Person named in the Permit is prohibited. A Permit or Permit revision shall also be obtained by Industrial Dischargers who use Industrial Wastewater. Any person who operates a portable treatment system must receive written authorization from the Control Authority prior to commencement of operations at any industrial facility. Any Person operating a portable treatment system shall comply with all requirements established by the City

for such systems. A Permit shall also be obtained by all Persons generating Industrial Wastewater.

The City may exempt certain classes of Dischargers of Industrial Wastewaters from the requirement to obtain a Permit if the quantity and quality of the Wastewater is determined to be unlikely to create significant effects on the City's sewerage system or produce violations of State law or Federal regulations. A Discharger will be exempt if they permanently plug all floor drains and other discharge lines other than domestic wastes.

The Permit may require pretreatment of Industrial Wastewaters before Discharge, restriction of peak flow Discharges, relocation of point of Discharge, consolidation of Wastewater Discharge connections, prohibition of Discharge of certain Wastewater components or characteristics, batch treatment and Discharge, restriction of Discharge to certain hours of the day, and such other conditions as may be required to effectuate the purposes of this Article.

Permits for facilities that receive for treatment, recycling or reclamation one or more Wastes generated off-site, may additionally require monitoring of influent wastestreams and may restrict the types and quantities of Wastes accepted.

A Permit shall be required but not limited to existing and new industries, car washes, vehicle service stations or repair garages, radiator shops, equipment shops, laundries, dry cleaners, hospitals, animal groomers, barber shops, beauty salons, restaurants, nursing homes, veterinary clinics, printers, grocery stores, mortuaries, cafeterias, x-ray labs, medical and dental facilities, printers, photo processors, and chemical manufacturers. These businesses, however, shall be responsible for insuring that the Industrial Wastewater Discharges originating from their operations are in compliance with the provisions set forth in this Article.

No Person shall Discharge Industrial Wastewaters in excess of the quantity or quality limits stated in the Permit. The violation of any Permit condition or requirement shall constitute a violation of this Article and shall be punishable as provided in this Article and by law. Any Person who, as defined by the Control Authority, significantly increases or decreases flow rate or significantly alters the quality of Wastewater Discharge shall immediately apply for and obtain a Permit revision. Any Discharger who modifies an industrial plant operating mode, process, or Wastewater treatment facility in a manner which, as defined by the Control Authority, would significantly increase or decrease the flow rate or significantly alter the quality of the Wastewater Discharge described in a Permit shall first apply for

and obtain a Permit revision. This Permit revision shall be obtained prior to the commencement of any construction of new plant facilities or operation of modified facilities by the Wastewater Discharger.

All Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing Users connected to or contributing to the POTW shall obtain a Wastewater Discharge Permit within thirty (30) days after the effective date of this Article.

2) Application & Baseline Monitoring Report

Users required to obtain a Industrial Wastewater Discharge Permit shall complete and file with the City, an application in the form prescribed by the City, and accompanied by a fee as prescribed in Section 12-8-3 of this Article. Existing Users shall renew their Industrial Wastewater Discharge Permit within thirty (30) days after the effective date of this Article, and proposed new Users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the Categorical User shall submit, in units and terms appropriate for evaluation, the following Baseline Monitoring Report (BMR) information.

- a) Name, address, and location (if different from the address).
- b) The Standard Industrial Classification Code (SIC) number according to the Standard Industrial Classification Manual, Office of Management and Budget, 1972, as amended which best characterizes the activities undertaken on the User's property.
- c) (Whichever is applicable) name and address of any and all principals/owner/ major shareholders of company; Articles of Incorporation; most recent Report of the Secretary of State; Business Licenses.
- d) Name and address of property owner, landlord and/or manager of the property.
- e) Wastewater constituents and characteristics including but not limited to those mandated in this Article as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established in Article 12-8-5(C)(6) and (7) and by the EPA pursuant to Article 304(g) of the Act and contained in the 40 CFR Part 136, as amended.
- f) Time and duration of Discharge.
- g) Average daily and thirty (30) minute peak Wastewater flow rates, including daily, monthly and seasonal variations if any from:
  - i) Regulated process streams, and

- ii) Other streams requiring use of the Combined Waste Stream formula (Section 12-8-4(D).
- h) A list of any environmental control permits held by or for the facility.
- i) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections to the POTW, floor drains and appurtenances by the size, location and elevation.
- j) Description of activities; facilities and plant manufacturing processes on the premises including all materials which are or could be discharged.
- k) If applicable, a Wastewater treatment process flow diagram of associated unit processes and points of Discharge to the POTW from regulated processes.
- l) The nature and concentration of any Pollutants in the Discharge which are limited by any City, State, or Pretreatment Standards, and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional Pretreatment is required for the User to meet applicable Pretreatment Standards.
- m) Results of sampling and analysis identifying the nature and concentration (or mass where required by Categorical Standards or the Control Authority) or regulated Pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. Samples shall be representative of daily operations.
- n) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional Pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

- 1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction completing construction, etc.)
- 2) No increment referred to in paragraph (1) shall exceed nine (9) months.
- 3) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report

to the Control Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Control Authority.

- o) Each product produced by type, amount, process or processes and rate of production.
- p) Type and amount of raw materials processed (average and maximum per day).
- q) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- r) Any other information as may be deemed by the City to be necessary to evaluate the permit application.
- s) The BMR will be reviewed by an Authorized Representative of the Industrial User and certified by a qualified professional.
- t) An Authorized Representative of the Industrial User will be required to sign the permit Application as prescribed in Section 12-8-5(E).

The City will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

### 3) Modifications

Within ninety (90) days of the promulgation of a Categorical Pretreatment Standard, the Wastewater Discharge Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a Federal Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required by Section 12-8-4(B)(2), the User shall apply for a Wastewater Discharge Permit within ninety (90) days after the promulgation of the applicable Federal Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Discharge Permit shall submit to the Control Authority within ninety (90) days after the promulgation of an applicable Categorical Pretreatment Standard the information required by paragraph (e), (f), and (g) of Section 12-8-4(B)(2).

The Control Authority may modify a Permit for Categorical Industrial Users or Noncategorical Industrial Users to make the corrections or allowances for changes in the permitted activity listed in this Article. All Permit modifications are subject to a thirty (30) day public notice followed by a public hearing. Any Permit modification not processed as a minor modification under this Article must be made for cause. Minor modifications may only:

- a) Correct typographical errors;
- b) Change in interim compliance date in a schedule of compliance, provided the new date is not more than ninety (90) days after the date specified in the existing Permit and does not interfere with attainment of the final compliance date requirement; or
- c) Allow for change in ownership or operational control of a facility where the Control Authority determines that no other change in the Permit is necessary, provided that a written agreement containing a specific date for transfer of Permit responsibility, coverage and liability between the current and new Permittee has been submitted to the Control Authority;
- d) Except as provided for above, a Permit may be transferred by the Permittee to new owner or operator only if the Permit has been modified and reissued, or a minor modification made to identify the new Permittee and incorporate such other requirements as may be necessary under this Ordinance.

4) Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Article and all other applicable regulations, User charges and fees established by the City. Permits may contain the following:

- a) The unit charge or schedule of User charges and fees for the Wastewater to be discharged to a community sewer;
- b) Limits on the average and/or maximum Wastewater constituents and characteristics;
- c) Limits on average and maximum rate and time of Discharge or requirements for flow regulations and equalization;
- d) Requirements for installation and maintenance of inspection and sampling facilities;
- e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- f) Compliance schedules;

- g) Requirements for submission of technical reports or Discharge reports (see Section 12-8-5);
- h) Requirements for maintaining and retaining plant records relating to Wastewater Discharge as specified by the City, and affording City access thereto;
- i) Requirements for notification of the City or any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being introduced into the POTW;
- j) Requirements for notification of Slug Loads as per Sections 12-8-2(C) and (D).

5) Duration

Permits shall be issued for a specified time period of one (1) year minimum and in no case more than five (5) years. The User shall submit a letter of renewal with appropriate fees thirty (30) days before the existing Permit expires. The terms and conditions of the Permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Section 12-8-2 are modified or other just cause exists. The User shall be informed of any proposed changes in his Permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance.

6) Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new Owner, new User, different premises, or a new or changed operation without the approval of the City. The Control Authority may require modification or reissuance of the Permit to change the name of the User and incorporate such other requirements as may be necessary under this Article.

7) Appeal Procedures

Any Person aggrieved by any decision of the Control Authority with respect to the issuance of the Wastewater Discharge Permit may appeal to the City Council by filing with the Control Authority. The Council shall thereupon fix a time and place for hearing such appeal. The Control Authority shall thereupon give notice to such Person of the time and place of hearing by serving it personally or by depositing it in the United States Post Office at Coolidge, Arizona, postage prepaid, addressed to such person at his last known address.

8) Comment Period

The Permit holder may comment in writing to the Control Authority within thirty (30) days from the date of the mailing of the Permit to the holder.

9) Reopener Clause

The Permit shall be modified to incorporate an applicable standard or limitation which is promulgated or approved after the Permit is issued if that standard or limitation is more stringent than the limitation in the Permit, or controls a pollutant not limited in the Permit.

10) Termination of Permits

The following are causes for terminating a Permit during its term, or for denying a Permit renewal application:

- a) Noncompliance by the Permittee with any condition of the Permit;
- b) The Permittee's failure in the application or during the Permit issuance process to disclose fully all relevant facts, or the Permittee's misrepresentation of any relevant facts at any time;
- c) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by Permit modification or termination; or
- d) A change in any condition that requires either a temporary or a permanent reduction or elimination of any Discharge controlled by the Permit.

C. Deadline For Compliance With Categorical Standards

Compliance by existing sources with Categorical Pretreatment Standards shall be within three (3) years of the date the pretreatment Standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter I, Subchapter N. Existing sources which become Users subsequent to promulgation of an applicable Categorical Pretreatment Standard shall be considered existing Users except where such sources meet the definition of a New Source. New Sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to Discharge. New Sources must meet

all applicable Pretreatment Standards within the shortest feasible time, not to exceed ninety (90) days.

D. Combined Waste Streams

Where a Categorical User's regulated Wastewaters mix with other regulated or unregulated Wastewaters of the Categorical User prior to the designated sampling manhole (i.e., sample point), alternative Pollutant limits may be derived by the Control Authority using the following Combined Wastewater Formula:

Where:

$$C_T = \frac{\left[ \sum_{i=1}^N C_i * F_i \right] \times (F_T - F_D)}{\left[ \sum_{i=1}^N F_i \right] \times F_T}$$

$C_T$  = the alternative concentration limit for the combined wastestream

$C_i$  = the Categorical Pretreatment Standard limit for a Pollutant in the regulated stream  $i$ .

$F_i$  = the average daily flow (at least a 30-day average) of stream  $i$  to the extent that it is regulated for such Pollutant.

$F_D$  = the average daily flow (at least a 30-day average) from boiler blowdown streams, non-contact cooling streams, sanitary wastestreams, and demineralizer back wash streams where such streams are not regulated by a Categorical Pretreatment Standard.

$F_T$  = the average daily flow (at least a 30-day average) through the combined treatment facility (includes  $F_i$  and  $F_D$ ).

$N$  = the total number of regulated streams

The Categorical User shall comply with the alternative Pollutant limit fixed by the Control Authority until the Control Authority modifies the limits or approves a User modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated Pollutant.

An alternative Discharge limit may not be used if the alternative limit is below the analytical detection limit for any of the regulated Pollutants. As a result, the Combined Wastewater Formula cannot be used, and wastestreams must be segregated.

E. Monitoring Facilities

The City shall require to be provided and operated, at the Categorical Industrial User and Significant Industrial User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the Building Sewer and/or internal drainage systems. The monitoring facility should normally be situated on the Categorical User and Significant Industrial User's premises, but the City may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

As a condition of the Permit, all discharged Industrial Wastewater shall pass through a designated sampling location. There shall be ample room in or near such sampling manhole or facility to allow accurate flow proportional sampling and preparation of samples for analysis. The facility flow metering equipment shall be maintained at all times, in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the City.

F. Pretreatment

The Control Authority may require an existing or new User to provide Wastewater Pretreatment systems or facilities when the Control Authority determines that it is necessary to treat industrial flows prior to Discharge to the sewer, to restrict or prevent the Discharge to the sewer of certain waste constituents, to distribute any peak Discharges of Industrial Wastewaters more equally over a longer time period, to comply with any State Discharge or Pretreatment requirements, to comply with Pretreatment Standards, or to accomplish any Pretreatment result required by the Control Authority in order to effectuate the purposes of this Article. Any Pretreatment facilities required by the Control Authority shall be provided and maintained at the expense of the User. Pretreatment systems or facilities shall not be installed or operated without the prior written approval of the Control Authority. The requirement for such approval, however, shall not absolve the User of the responsibility for meeting any industrial Wastewater Discharge limitation imposed by the City or by the State or Federal government if inspections or other information reveal that Pretreatment systems and facilities are not installed or operated in conformance with the plans and

procedures submitted to and approved by the City, or are not operated in compliance with the Discharge requirements and limitations imposed by the City, the User shall make such modifications as are necessary to meet such requirements. Users who have the potential to Discharge significant levels of flammable substances, as defined by the Control Authority, shall install and maintain approved combustible gas detection meter systems. All Pretreatment systems determined by the Control Authority to require engineering design shall have plans prepared and signed by a civil, chemical, or mechanical engineer registered in the State of Arizona or a registered engineer of other suitable discipline as determined by the Control Authority.

The Control Authority may require any User discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A Wastewater Discharge Permit may be issued solely for flow equalization.

Gravity separation interceptors, equalizing tanks, neutralization chambers, control manholes or other monitoring facilities, and spill containment systems, may be required by the Control Authority as he deems necessary to remove prohibited settleable and floatable solids, to equalize Wastewater streams varying greatly in quantity and/or quality, to neutralize low or high pH Wastewater, to facilitate inspection, flow measurement and sampling, and to prevent Discharge to the sewer of quantities of prohibited or restricted materials resulting from a rupture of a tank or pipeline or other such accidental occurrences. Spill containment systems shall conform to guidelines established by the Control Authority. Floor drains from existing or new service garages, repair shops, equipment shops and vehicular maintenance facilities are not allowed.

The City shall annually publish in the largest daily Coolidge newspaper a list of Users which were in significant noncompliance. The names of the Industrial Users and their violations will be published. The status of the noncompliance and the enforcement action will be noted.

G. Confidential Information

Except for data determined to be confidential under 40 CFR Part 2, information and data on a User obtained from reports, questionnaires, Permit applications, Permits, effluent data and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the Person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available upon written request to governmental agencies for uses related to this Article, the POTW Permits, and/or the Pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the Person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the City as confidential shall not be transmitted to the general public by the City until and unless a ten (10) day notification is given to the User and approved by the User.

This Article shall not be construed to prohibit the City from disclosing data obtained pursuant to the pretreatment program to the EPA or ADEQ. The EPA or ADEQ shall have the right to obtain all such data regardless of whether general public access could be restricted pursuant to this Article.

H. Response to Permit Application and Questionnaire Forms

Any User shall reply to the Control Authority and submit any Permit Application, Questionnaire form, Baseline Monitoring Report (BMR), and any other related lists, plans, analyses, flow information or other materials, as requested by the Control Authority, within thirty (30) days of receipt of any such forms or requests.

I. Separation of Wastes

All domestic Wastewaters from rest rooms, showers, drinking fountains, and similar sources shall be kept separate from all Industrial Wastewaters until the Industrial Wastewaters have passed through any required Pretreatment facility or device and the Industrial Wastewater monitoring facility. The Control Authority may waive this condition and may use the Combined Wastewater Formula to determine Discharge Permit limits.

J. Grease Interceptors and Gravity Separating Devices

1) Restaurants (Existing and New)

All restaurants or food service facilities, shall install an approved grease interceptor which is of sufficient size so as to prevent excessive Discharges of grease into the City's sewerage system. The grease interceptor shall be easily accessible for inspection by the Control Authority. Exceptions to the installation of a grease interceptor shall be determined on a case-by-case basis by the Control Authority. The Control Authority shall take into account the following items when determining exceptions:

- a) Size of restaurant;
- b) Meals served per day;
- c) Daily water usage based upon water bills;
- d) Seating capacity;
- e) Dishwasher and garbage disposal facilities on-hand.

2) Car Washes, Radiator Shops, Vehicle Service Stations, and Garages (Existing and New)

Car washes will be required to install mud pits and a gravity separating device designed to prevent the Discharge of sand, silt, oil and grease to the City's sewerage system. Radiator shops, vehicle service stations, and garages will be required to plug floor drains and remove sinks in the service bays and repair shops.

3) Laundries and Dry Cleaners (Existing and New)

After the effective date of this Article, all laundries and dry cleaners or similar establishments shall install lint filters and a gravity separating device of a size and design approved by the Control Authority. They shall also install any other Pretreatment facility required by the Control Authority to ensure their compliance with all requirements and specifications of this Article. Establishments in existence prior to the effective date of this Article shall install an appropriate Pretreatment system if in the opinion of the Control Authority, the system is warranted.

4) Existing Gravity Separating Device and Grease Interceptors

If the Control Authority finds that a grease interceptor or gravity separating device installed prior to the effective date of this Article is incapable of retaining adequately the grease or sand and oil in the Wastewater flow from a service station, car wash or restaurant or similar establishment, the Control Authority shall give the proprietor a written notice requiring that an adequate interceptor or gravity separating device be installed within ninety (90) days.

5) Approved Designs

The design of Grease Interceptors and Gravity Separating Devices shall follow the currently adopted Plumbing Code. The User shall submit a proposed design to the Control Authority for review and approval.

6) Maintenance of Grease Interceptors and Gravity Separating Devices

Any grease interceptor or gravity separating device required by this Article shall be readily accessible for inspection and properly maintained to assure that the accumulations of grease or sand and oil do not impair its efficiency or pass out with the effluent. All Users required to use and maintain a grease interceptor or gravity separating device shall maintain a maintenance record. This record shall include the date, the name of the person who cleaned it and the disposal site of the waste. The report shall be reviewed by the Control Authority at each routine inspection. Persons hauling Wastes and Wastewater removed from these interceptors or gravity separating devices shall be registered to do so by the proper permitting agency. An interceptor or gravity separating device shall not be considered properly maintained if material accumulations total more than twenty-five percent (25%) of the operating fluid capacity.

K. Wastewater Flow Measurement Equipment

Categorical Users and Significant Industrial Users discharging process Wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown Wastewater) shall furnish, install and properly maintain an open channel Wastewater flow measurement system. Users that have unmetered sources of water supply, excessive non-sewered losses, or highly fluctuating Wastewater Discharge may also be required to install flow measurement (FM) systems. The FM system shall be capable of supplying a flow proportioned signal as required by the City and may include automatic flow proportional sampling equipment and automatic Wastewater analysis and data recording equipment. The FM shall be used to evaluate the quantity and quality of Industrial Wastewater Discharge to the public sewer.

Categorical Users and Significant Industrial Users required to install a FM system shall propose a suitable location and design for the FM system. Upon approval of the FM system by the City, the User shall perform Wastewater monitoring at this facility and shall agree to allow the use of this system for Industrial Wastewater monitoring by the City. The FM system shall be located so as to be safe and accessible to City employees, and shall be constructed in accordance with the City's requirements, and all applicable City building codes. Plans for all FM systems

determined by the Control Authority to require engineering design, shall be prepared and signed by a registered civil, chemical or mechanical engineer.

The User's FM system shall be subject to inspection by the City at any time. FM systems shall be properly operated, kept clean, and maintained in good working order at all times by the User.

If the Control Authority requires or the Owner chooses to install a flow meter (FM), the FM system must be hydraulically calibrated once every two (2) years and a photocopy of the calibration must be sent to the Control Authority. Flow charts are to be held by the User for a minimum of three (3) years and made available to the City upon request. Totalizer readings shall be recorded daily and twice a year a report shall be submitted to the Control Authority showing total daily flows and total monthly flow.

L. Combustible Gas Detection Meter Systems

Users who have the potential to Discharge significant levels of flammable substances exceeding five percent (5%) of the Lower Explosive Limit (LEL) shall install and maintain approved combustible gas detection meter systems. In the event LEL levels exceed ten percent (10%), installed combustible gas meters shall be equipped to activate an alarm and discontinuation of the Discharge. All combustible meters determined by the Control Authority to require engineering design shall have plans prepared and signed by a registered civil, chemical, or mechanical engineer.

Calibration of combustible gas detection meter systems must be certified before startup. Certified annual meter calibrations for existing and new meters are also required from the date of system startup for new installations or the initial calibration for existing systems.

M. Waste Minimization Program

The RCRA (Resource Conservation and Recovery Act) regulations require that generators of Hazardous Waste "have a program in place to reduce the volume and toxicity of waste generated to the extent that is economically practical." A Waste minimization program is an organized, comprehensive, and continual effort to systematically reduce Waste generation. Generally, a program is established for the organization as a whole. Its components shall include specific Waste minimization projects and shall use Waste minimization assessments as a tool for determining where and how Waste can be reduced. A Waste minimization program shall reflect the goals and policies for Waste minimization set by the organization's management. Also, the program shall be an ongoing

effort and strive to make Waste minimization part of the company's operating philosophy.

Users who Discharge to the POTW with a substance, which, if otherwise disposed of, would be a Hazardous Waste are subject to the notification requirements as specified in Section 12-8-5(H).

N. Duty to Comply

The User must comply with all conditions of the Permit. Any Permit noncompliance constitutes a violation of the Article and is grounds for enforcement action as provided in Section 12-8-6.

The User shall comply with effluent standards or prohibitions established under Article 307(a) of the Clean Water Act for toxic Pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the Permit has not yet been modified to incorporate the requirement.

O. Duty to Mitigate

The User shall take all reasonable steps to minimize or prevent any Discharge in violation of the Permit which has a reasonable likelihood of adversely affecting human health or the environment.

P. Proper Operation and Maintenance

The User shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the User to achieve compliance with the conditions of the Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a User only when the operation is necessary to achieve compliance with conditions of the Permit.

Q. Permit Actions

The Permit may be modified, suspended or revoked for cause. The filing of a request by the User for a Permit modification, reissuance, or a notification of planned changes or anticipated noncompliance does not change the current Permit condition.

R. Duty to Provide Information

The User shall furnish to the City, within a reasonable time, any information which the City may request to determine whether cause exists for modifying, revoking and reissuing, or to determine compliance with the Permit. The User shall also furnish to the

City upon request, copies of records required to be kept by the Permit.

S. Civil and Criminal Liability

Except as otherwise provided in Sections 12-8-2(B) and 12-8-2(D) nothing in the Permit shall be construed to relieve the Permittee from administrative, civil or criminal penalties for noncompliance.

**SECTION 12-8-5 MONITORING, REPORTING, NOTIFICATION AND INSPECTION REQUIREMENTS**

A. Reporting Requirements For Permittee

1) Compliance Date Report for Categorical Users (Existing and New)

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of Wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Pretreatment Requirements shall submit to the Control Authority a report. The report shall be certified by a qualified professional. The report shall state whether the applicable Pretreatment Standards or Pretreatment Requirements are being met on a consistent basis and, if not, what additional Operation & Maintenance and/or Pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Pretreatment Requirements, This statement shall be signed by an Authorized Representative of the Categorical User using the certification presented in Section 12-8-5(E).

New Sources shall install and have in operating condition, and shall "startup" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to Discharge. Within the shortest feasible time, not to exceed ninety (90) days, New Sources, must meet all applicable Pretreatment Standards.

For Categorical Users subject to equivalent mass or concentration limits established by the Control Authority, this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

2) Periodic Compliance Reports For Significant Users (Existing and New)

- a) All Categorical Users and Significant Industrial Users subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard or, in the case of a New Source, after commencement of the Discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority, a report indicating the nature and concentration, of Pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in the User's Permit. This report shall be signed by an Authorized Representative of the Significant User using the declaration indicated in Section 12-8-5(E).
- b) The Control Authority may impose mass limitations on Users which are using intentional or unintentional forms of dilution (i.e., combination of waste streams, boiler blowdown, etc.) to meet applicable Pretreatment Standards or Pretreatment Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) above shall indicate the mass of Pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the Control Authority, of Pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by 40 CFR Part 136.
- c) For Categorical Users and Significant Industrial Users subject to equivalent mass or concentration limits established by the Categorical Pretreatment Standards or the Control Authority, the report required by part (1) of this subsection shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed only in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), the report required by paragraph part (1) of this subsection shall include the User's actual average production rate for the reporting period.

B. Inspection

The Control Authority shall inspect the facilities of any User to ascertain whether the purpose of this Article is being met and all requirements are being complied with. Persons or occupants of premises where Wastewater is created or discharged shall allow the City or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, examining or copying any records that must be kept under conditions of the Permit, and/or in the performance of any of their duties. Inspection may include any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the Permit. The City will randomly inspect and sample all Categorical Users and Significant Industrial Users at least once a year. All associated sampling costs will be incurred by the User.

The Control Authority will randomly inspect Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. The City will evaluate, at least once every two (2) years, whether each such Categorical Users and Significant Industrial User need a plan to control slug Discharges as set forth in Section 12-8-2(C).

The Control Authority shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations for any substances or parameters at any location for the purposes of assuring Permit compliance or as otherwise authorized by the Article.

Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

C. Monitoring, Sampling, and Records

1) All Categorical Users and Significant Industrial Users shall monitor for Wastewater constituents on a monthly basis as may be specified by the Control Authority or required under applicable State law, federal Pretreatment Standards, or Federal regulations. Categorical Users shall monitor for all Federal limited parameters at least twice a year and for all Clean Water Act Priority Pollutants at least once per year. Wastewater flow measurements and samples shall be collected and analyzed in a State certified laboratory. The laboratory results shall be submitted with the monthly report in the

month they are received. Laboratory analysis and associated sampling costs will be paid for by the User.

- 2) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Samples should be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment, the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of Section 12-8-4(D) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Section 12-8-4(D), this adjusted limit along with the supporting data shall be submitted to the Control Authority.
- 3) The User shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the Permit, and records of all data used to complete the application for the Permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Control Authority (i.e., during unresolved litigation).
- 4) Records of monitoring information shall include:
  - a) The date, exact place, and time of sampling or measurements;
  - b) The individual(s) who performed the sampling or measurements;
  - c) The date(s) analyses were performed;
  - d) The individual(s) who performed the analyses;
  - e) The analytical techniques or methods used; and
  - f) The results of such analyses.
- 5) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the Permit.
- 6) A grab sample must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics unless otherwise specified in the Permit. For all other Pollutants, 24-hour composite samples must be obtained through flow proportional composite sampling techniques where feasible. As specified in the User's Permit, the Control Authority may permit twenty-four (24) hour time composite sampling where flow proportioned composite

sampling for any User that demonstrates flow proportional sampling is infeasible.

- 7) All samples shall be analyzed in conformance with A.R.S. §36-495 Environmental Laboratories requirements.
- 8) A Categorical User or Significant Industrial User who independently monitors any Pollutant more frequently than as conducted by the Control Authority and required and specified by the Control Authority, shall include the results of this monitoring in the required reports due in June and December.
- 9) If sampling performed by Categorical User and Significant Industrial Users indicates a violation, the User shall notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation unless the Control Authority performs sampling between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

#### D. Reporting Requirements

An Authorized Representative of the User will be required to sign all reports submitted by the User as prescribed in Section 12-8-5(E).

##### 1) Planned Changes

The Permittee shall give notice to the Control Authority as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a New Source; or,
- b) Any anticipated facility expansions, production increases, or process modifications which will result in new, different or increased Discharges of Pollutants must be reported by submission of a new Permit application or, if such changes will not violate the Discharge limitations specified in the Permit, by notice to the Control Authority.
- c) Following such notice, the Permit may be modified to specify and limit any Pollutants not previously limited or change existing limits or other

requirements. Approval must be obtained prior to any new Discharges. The User shall allow ninety (90) days for review.

2) Anticipated Noncompliance

The User shall give advance notice to the Control Authority of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements.

3) Self-Monitoring Reports

Monitoring results shall be reported at the intervals specified in the Permit.

- a) Monitoring results must be reported each month;
- b) If the User monitors any Pollutant more frequently than required by the Permit, using test procedures approved under 40 CFR Part 136 or as specified in the Permit, the results of this monitoring shall be included in the calculation and reporting of the data;
- c) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean.
- d) The User shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by the Categorical Standard or the Control Authority) of regulated Pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.

4) Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim final requirements contained in any compliance schedule of the Permit shall be submitted no later than fourteen (14) days following each schedule date.

5) Intermittent Discharge Monitoring

If the Discharge is intermittent rather than continuous, then on the first day of each such intermittent Discharge, the User shall monitor and record data for all the characteristics listed in the monitoring requirements, after which the frequencies of analysis listed in the monitoring requirements shall apply for the duration of each such intermittent Discharge. In no event shall the User be required to monitor

and record data more often than twice the frequencies listed in the monitoring requirements.

E. Signatory Requirement

All applications, reports, or information submitted to the City or its Control Authority shall be signed and certified by an Authorized Representative of the User. These submittals shall be subject to the provision of 18 U.S.C. Article 1001, relating to false statements and fraud and the provisions of Article 309(c)(2) of the Clean Water Act governing false statements. Each submittal shall contain the following completed certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_[Signature]  
\_\_\_\_\_[Printed or Typed Name]  
\_\_\_\_\_[Title]

F. Notification of Bypass

1) Anticipated Bypass

If the Permittee knows in advance of the need for a Bypass, it shall submit prior oral and written notice to the Control Authority, if possible at least ten (10) days before the date of the Bypass.

2) Unanticipated Bypass

The Permittee shall submit notification of an unanticipated Bypass as required in Section 12-8-2(D).

G. Notification of Spill or Slug Loading

The Permittee shall submit notification of a spill or Slug Loading to the sewerage system as required in Section 12-8-2(D).

H. Notification of Hazardous Waste Discharge

- 1) All Users shall notify the Control Authority, the EPA Regional Waste Management Division Director, and State Hazardous Waste authorities in writing of any Discharge into the POTW of a substance, which, if otherwise disposed of, would be a Hazardous Waste under 40 CFR Part 261. Such notification must include:
  - a) The name of the Hazardous Waste as set forth in 40 CFR Part 261;
  - b) The EPA Hazardous Waste number;
  - c) The type of Discharge (continuous, batch or defined other); and
  - d) Certification that the User has a program in place to reduce the volume and toxicity of Hazardous Wastes generated to the degree it has determined to be economically practical.
  
- 2) If the User discharges more than 100 kilograms (220 pounds) of such Waste per calendar month to the POTW, the notification shall also contain the following information to the, extent such information is known and readily available to the User:
  - a) An identification of the hazardous constituents contained in the Wastes;
  - b) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and
  - c) An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
  
- 3) All notifications must take place within one hundred eighty (180) days of the effective date of this Article. Users who commence discharging after the effective date of the Article shall provide the notification no later than one hundred eighty (180) days after the Discharge of the listed or characteristic Hazardous Waste. Any notification under this paragraph need be submitted only once for each Hazardous Waste discharged.
  
- 4) Those Users who Discharge more than 15 kilograms (33 pounds) of non-acute Hazardous Wastes as specified in 40 CFR 261.30(d) and 261.33(e) or any quantity of acute Hazardous Wastes as specified in 40 CFR 261.30(d) and 261.33(e) are required to submit a one-time notification as described in this Article.

- 5) Subsequent months during which the User discharges more than such quantities, as indicated in this Article, of any Hazardous Waste do not require additional notification.

I. Notification of Changed Discharge

All Users shall promptly notify the Control Authority in advance of any substantial change in volume or character of Pollutants in their Discharge, including the listed or characteristic Hazardous Waste for which the User has submitted initial notification under Section 12-8-5(H).

J. Other Noncompliance Notification

The User shall report all instances of noncompliance at the time monitoring reports are submitted. The reports shall contain the information listed in Section 12-8-2(D).

**SECTION-12-8-6 ENFORCEMENT**

To ensure that the City's POTW, facilities and treatment processes are protected and are able to operate with the highest degree of efficiency, and to protect the public health and environment, specific enforcement provisions must be adopted to govern the Discharges to the City's system by Users. Requirements of this Article are federally enforceable.

A) Notification of Violation

Whenever the City finds that any User has violated or is violating Wastewater Discharge Permit terms, conditions, limitations, requirements, and instructions, including any Categorical Pretreatment Standards or any effluent limits adopted by the City or required by State law, or any prohibition, limitation of requirements contained within this Article, the City may serve upon such person a written Notification of Violation (NOV) stating the nature of the violation. The NOV shall be served either personally or by certified mail to the individual (by title) responsible for each type of response, return receipt requested. The NOV may include but not be limited to:

- 1) An Order for Corrective Action;
- 2) A schedule to attain compliance;
- 3) An Order to Show Cause either in writing or in person;
- 4) An Order to Cease Discharge;
- 5) A suspension or Revocation of the User's Permit; and/or
- 6) An Order to Respond in writing to the allegations.

Additional orders and changes to a suspension or revocation may follow the initial order at the discretion of the City or as additional information becomes available. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof or appropriate response shall be submitted to the City by the User.

Upon review of a response to NOV, the City may accept the response as complete and satisfactory, or incomplete and unsatisfactory.

If the NOV is complete and satisfactory, the City shall consider the issue regarding the NOV closed. The City will notify the User in writing regarding the closure of the NOV. The closure of the NOV does not preclude further enforcement action.

If the NOV is incomplete and unsatisfactory, the City may, but not be limited to: require any nonsubmitted or additional information, suspend or revoke the User's Permit, order the User to cease Discharge, and/or seek civil penalties as they apply to the violations.

#### B. Notification of Permit Suspension

The City may suspend the Wastewater treatment service and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened Discharge which presents or may present: an imminent or substantial endangerment to the health or welfare of persons, to the environment; causes harm to or passthrough of the POTW; or causes the City to violate any condition of its Permits.

Any Person notified of a suspension of the Wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate the Discharge. In the event of a failure of the Person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. A detailed written statement submitted by the User describing the causes of the harmful Discharge and the measures taken to prevent any future occurrence shall be submitted to the City within five (5) days of the date of occurrence.

The City shall, by written statement, reinstate the Wastewater Discharge Permit and/or the Wastewater treatment service upon proof of the elimination of the non-complying Discharge. Costs incurred by the City in suspending the Permit and disconnecting the industrial sewer shall be paid by the User before reinstatement of the Permit.

C. Revocation of Permit

The City may revoke a Permit, in accordance with the procedures of Section 12-8-6 upon finding that the Permit holder has violated any provisions of this Article which includes but is not limited to:

- 1) Failure to factually report the Wastewater constituents and characteristics of the User's Discharge;
- 2) Failure to report significant changes in operations, or Wastewater constituents and characteristics that might impact the User's Discharge;
- 3) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- 4) Violation of conditions of the Permit.

Any Permit holder whose Permit has been revoked shall immediately cease all Discharge of any Industrial Wastewater to the POTW.

In the event of a failure of the User to comply voluntarily with the notification of Permit revocation, the City shall take such steps as necessary to insure compliance.

Before any further Discharge of Industrial Wastewater may be made by the User, he must apply for and obtain a new Permit for Industrial Wastewater Discharge, pay all charges that would be required upon initial application, and pay all delinquent fees, charges and such other sums as the Permit holder may owe to the City. Costs incurred by the City in revoking the Permit and disconnecting the industrial sewer shall be paid by the User before issuance of a new Permit.

D. Show Cause Hearing

1) Notification of Hearing

The City may order any User who causes or allows an unauthorized Discharge to enter the POTW to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail return receipt requested at least ten (10) days before the hearing. Service may be made on any Authorized Representative of the User.

2) Acquisition of Evidence

The City Council may itself conduct the hearing and take the evidence, or may designate any of its members or any Officer or employee of the Public Works Department to:

- a) Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- b) Take the evidence;
- c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.

3) Testimony

At any hearing held pursuant to this Article, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

4) Orders

After the City Council has reviewed the evidence, it may issue an order to the User responsible for the Discharge directing that, the User come into compliance within a specified time. If the User does not come into compliance within the time provided, the sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

E. Emergency Suspensions.

The City may suspend immediately a User's Discharge, after informal notice to the User, whenever such suspension is

necessary to stop an actual or threatened Discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons.

F. Legal Action

If any User violates a Pretreatment Standard or Pretreatment Regulation (including but not limited to failure to submit a required report or failure to allow City's inspectors access to an industrial facility); or Discharges sewage, industrial Wastes or other Wastes into the City's Wastewater disposal system contrary to the provisions of this Article, Federal or State Pretreatment Requirements, or any order of the City, the City may commence an action for appropriate legal and/or injunctive relief in the Superior Court of Pinal County.

G. Administrative Penalties

- 1) Any User who is found to have violated any provision of this Article and/or any requirement of a notification of violation written and issued in compliance with this Article, and the order, rules, regulations and permits issued hereunder shall be assessed administrative penalties by the Control Authority in the following amounts:
  - a) Industrial Users in an amount of at least one hundred dollars but not more than three hundred dollars per day for each offense and/or violation;
  - b) Categorical Users and Significant Industrial Users in an amount of at least one hundred dollars but not more than three hundred dollars per day for each offense and/or violation.
- 2) Any administrative penalty assessed may be appealed to the City Council by filing a notice of appeal with the City Clerk. The City Clerk shall set the hearing on the next available City Council meeting agenda. The notice of appeal must be filed within ten (10) days of the date of the notice of assessment of penalty is mailed by the Control Authority and failure to timely file a notice of appeal shall make the penalty final.
- 3) After completion of the hearing the City Council shall affirm, modify, or reverse the penalty. The decision of the City Council is final.

H. Civil Penalties

- 1) As referenced in Section 403.8 part (f) of 40 CFR, any User who is found to have violated an order of the City Council or who failed to comply with any provision of this Article and/or any requirement of a notification of violation written and issued in compliance with this Article, and the order, rules, regulations and permits issued hereunder, shall be assessed civil penalties in at least the amount of one thousand dollars but no more than twenty-five thousand dollars per day for each offense and/or violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided in this Article, the City may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Article or the orders, rules, regulations and permits issued hereunder.
- 2) The civil penalties for nonsubmittal of reports, noncompliance with the reporting and/or application requirements required by this Article or permit, or failure to complete an increment of progress of a compliance schedule, shall be at least one thousand dollars for each day which the requirements are not fulfilled.

#### I. Criminal Penalties

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article or Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article, shall, upon conviction, be subject to a Class 2 criminal felony and be punished by a fine of not more than one hundred fifty thousand dollars or by imprisonment for not more than one and one-half years, or by both.

#### J. Collection of Fees

The amount of any fee or charge imposed by the provisions of this Article including interest and penalty assessments shall constitute a lien against the property upon which the violation is located in the same manner as other unpaid utility fees under this Code. Any action in the name of the City may be commenced in any court of competent jurisdiction for the amount of any delinquent fees or charges and if legal action is brought by the City or its assignee to enforce collection of any amount charged

and due under this Article, any judgment rendered in favor of the City shall include costs of suit incurred by the City or its assignee including reasonable attorneys' fees.