

CHAPTER 25 – WATER, SEWERS AND SEWAGE DISPOSAL

Sec. 25-136. Wastewater Pretreatment; authority of the Director; Best Management Practices.

The Director is authorized to enforce Industrial User compliance with the requirements of this Chapter. In carrying out this responsibility, the Director has authority to:

(a) Issue or amend (as applicable) class A and class B wastewater discharge permits within sixty (60) days of receiving the application for such permit or amended permit. Once issued, a permit:

- (1) Will be for a period of time not to exceed two years. A permit may be terminated by revocation by the Director or upon voluntary surrender of the permit by the permittee at an earlier date;
- (2) Is non-transferable by the permittee;
- (3) Will specifically identify all applicable discharge prohibitions and limitations which the Director will enforce;
- (4) May be amended as deemed appropriate by the Director;
- (5) May contain monitoring requirements;
- (6) May contain reporting requirements;
- (7) May contain requirements for installation and maintenance of inspection and sampling facilities;
- (8) May contain required notifications;
- (9) May contain requirements for a plan to control slug discharges and spills. The plan shall contain at a minimum:
 - (i) A description of discharge practices, including non-routine batch discharges; and
 - (ii) A description of stored chemicals; and
 - (iii) 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 containments structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

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- (10) May require implementation of Best Management Practices to reduce or eliminate the amount of pollutants discharged to the POTW;
 - (11) May contain requirements to control or reduce the concentrations of any of the substances identified in this Code through the use of Best Management Practices;
 - (12) May contain standard permit conditions;
 - (13) May contain other conditions and requirements as deemed reasonably necessary by the Director to prevent Pass Through or Interference, to protect the quality of the water body receiving the treatment plant's effluent, to protect worker health and safety, to facilitate sludge management and disposal, to protect against damage to the POTW and to ensure User compliance with this Chapter, and State and Federal laws, rules and regulations.
- (b) A permit may be revoked by the Director for good cause, including, but not limited to:
- (1) Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
 - (2) Failure to provide prior notification to the Director of changed conditions pursuant to Section 25-144;
 - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (4) Falsifying self-monitoring reports;
 - (5) Tampering with monitoring equipment;
 - (6) Refusing to allow the Director timely access to the facility premises and records;
 - (7) Failure to meet effluent limitations;
 - (8) Failure to pay fines and penalties;
 - (9) Failure to pay sewer charges;
 - (10) Failure to meet compliance schedules;
 - (11) Failure to complete a wastewater survey or the permit application;
 - (12) Failure to provide advance notice of the transfer of business ownership of permitted facility; or

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(13) Violation of any Pretreatment Standard or requirement, or any terms of the permit or requirement of this Chapter.

(c) Incorporate the pertinent requirements of this Chapter into every City contract with any Industrial User located outside of the municipal jurisdiction of the City. Such contracts may also provide for liquidated damages and, if applicable, specific performance as remedies for breach of contract.

(d) Receive and analyze all self-monitoring reports and notices submitted by Industrial Users.

(e) Randomly sample and analyze effluent from Industrial Users and conduct those surveillance and inspection activities needed to identify, independently of any information supplied by such Users, occasional or continuing non-compliance with any Categorical Standard or Pretreatment requirement.

(f) Investigate instances of non-compliance with any Categorical Standard or pretreatment requirement when notice of any actual or probable non-compliance has been received by the Director.

(g) Notify Industrial Users of non-compliance with Categorical Standards or pretreatment requirements discovered by the Director. Such notice shall also contain demand for any appropriate corrective action, which is necessary to meet the applicable requirements of this Chapter. Any Industrial User will be allowed opportunity to respond to an order of the Director before any enforcement action against such User is initiated, unless the discharge is a threat to the public health, safety and welfare, in which case the Director may initiate enforcement action without giving notice.

(h) Comply with the public participation requirements of 40 CFR Part 25 and Arizona Revised Statutes §49-391 in connection with the City's enforcement of any Pretreatment Standards and requirements.

(i) Impose appropriate penalties for non-compliance with any or all of the following:

(1) Suspension or revocation of any Industrial User permit for the failure of an Industrial User to comply with the pertinent requirements of such permit;

(2) Termination of POTW services;

(3) Restricting or otherwise limiting allowable discharges;

(4) Requesting that the City attorney commence criminal and/or civil action against any User violating any requirement of this Chapter.

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(j) The Director shall:

(1) Determine which actual or threatened discharge to the POTW will cause interference with the POTW or will present (or may present) an imminent or substantial endangerment to the health or welfare of any person and/or to the environment;

(2) Abate any actual or threatened discharge which would violate any Categorical Standard or pretreatment requirement imposed by this Chapter. This may include plugging or disconnecting any sewer service connection to the POTW;

(3) Correct or mitigate any injury to the environment, the POTW or to any other property as a result of any discharge in violation of a Categorical Standard or pretreatment requirement imposed by this Chapter.

(k) Annually publish, in the largest daily newspaper published in the City, public notice of all Industrial Users who at least once during the prior calendar year were in significant noncompliance (SNC). SNC is determined by any time during the year, except that for chronic and TRC violations, SNC is determined at the beginning of each quarter using the prior six (6) months. Thus, chronic and TRC SNC is determined four (4) times during the year and the total evaluation period covers fifteen (15) months (i.e., beginning with the last quarter of the previous year through the end of the current year). The notification shall also summarize any enforcement actions taken against such Users during the same twelve (12) month period.

(l) Notify Industrial Users of applicable Pretreatment Standards and any applicable requirements under Section 204(b) and 405 of the Clean Water Act and subtitles C and D of the Resource Conservation and Recovery Act.

(m) The Director shall maintain one (1) copy of all Federal statutes, rules and regulations cited by this Chapter in order to allow regulated Users adequate opportunity to review the applicable Federal requirements that are herein incorporated by reference.

(n) The Director has the authority to require individual Users or class of Users to implement Best Management Practices for any pollutant.

(o) All affected individual Users or class of Users shall comply with any Best Management Practices required by the Director.

(p) The Director shall have the ability to discontinue individual Users or class of Users water service for failure to comply with the requirements of this Chapter.

(Code 1977, § 12 5 14)

(Code 1977, § 12-2-4.6)

(Ord. No. 90-11, 4/10/90)

(Ord. No. 91-41, 11/12/91)

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(Ord. No. 09-39, 10/20/09, repealed and renumbered 25-99 to 25-136) SUPP 2009-4