

Attachment A

Chapter 28

SEWERS

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ARTICLE I. GENERAL

Sec. 28-1. Definitions.

For the purpose of this chapter, the following DEFINED words and terms shall have the following meanings THE FOLLOWING, unless the context indicates otherwise:

Approval authority: ~~The Director in an NPDES state with an approved state pretreatment program and the appropriate U.S. Environmental Protection Agency (EPA) regional administrator in a non-NPDES state or NPDES state without an approved state pretreatment program.~~

Approved laboratory procedures: ~~The measurements, tests and analyses of the characteristics of water and wastes in accordance with analytical procedures as established in title 40, Code of Federal Regulations, part 136, as revised, that are performed by an environmental laboratory licensed by the State pursuant to A.R.S. tit. 36, ch. 43 (A.R.S. § 36-495 et seq.). Alternative procedures may be approved by the Director in accordance with applicable federal regulations.~~

Average quality: ~~The arithmetic average (weighted by flow value) of all the "daily determinations of concentrations," as that term is defined herein, made during a calendar month.~~

Best management practices (BMPs): ~~shall mean~~ THE schedules of activities, pollution treatment practices or devices, prohibition of practices, general good housekeeping practices, pollution prevention, waste minimization, educational practices, maintenance procedures, and other management practices or devices to prevent or reduce the amount of pollutants entering the sanitary PUBLIC sewer system, surface water, air, land, or groundwater. ~~Best management practices~~ BMPs may include a physical, chemical, structural, or managerial practice or device that can help S to achieve compliance with this chapter.

BOD (Biochemical Oxygen Demand) (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for ~~five~~ 5 days at a temperature of ~~twenty~~ 20 degrees centigrade, expressed in milligrams per liter.

Branch sewer: ~~An arbitrary term for a sewer which~~ THAT receives sewage WASTEWATER from more than one public sewer from a relatively small area.

Building connection: The extension from a sewer tap to the property line, or to the easement line of the property to be served.

~~*Building Official:* The Director of the Planning and Development Department, or his authorized representative.~~

~~*Building sewer:* The extension from the building drain to the building connection or other place of disposal.~~

~~*Bypass:* The intentional diversion of wastes from any portion of a AN INDUSTRIAL USER'S PRETREATMENT SYSTEMS, DEVICES, OR treatment facility.~~

~~CATEGORICAL INDUSTRIAL USER (CIU): AN INDUSTRIAL USER SUBJECT TO A CATEGORICAL STANDARD.~~

~~*Categorical PRETREATMENT standards (national/federal categorical pretreatment standards):* These ~~s~~Standards promulgated by the U.S. Environmental Protection Agency (EPA) under the authority of section 307 (b) and (c) of the Clean Water Act (33 United States Code section 1317) ~~which~~THAT apply to a specific category of industrial user, ~~and which~~ are published in 40 Code of Federal Regulations~~CFR~~ chapter I, subchapter N (parts 405—471), ~~and are~~ HEREBY incorporated in this chapter by reference.~~

~~*CFR:* Code of Federal Regulations.~~

~~*City:* City of Phoenix.~~

~~*COD (eChemical eOxygen eDemand)(COD):* The quantity of oxygen consumed from a chemical oxidation of inorganic and organic matter present in ~~the~~ water or wastewater, expressed in milligrams per liter.~~

~~CITY: THE CITY OF PHOENIX.~~

~~CITY DESIGN STANDARDS: CITY DESIGN STANDARDS MANUAL FOR WATER AND WASTEWATER SYSTEMS AS DESCRIBED IN SECTION 28-16.~~

~~CODE OF FEDERAL REGULATIONS (CFR): THE CODIFICATION OF THE GENERAL AND PERMANENT RULES AND REGULATIONS PUBLISHED IN THE FEDERAL REGISTER BY THE EXECUTIVE DEPARTMENTS AND AGENCIES OF THE FEDERAL GOVERNMENT OF THE UNITED STATES.~~

~~*Commercial user:* Any nonresidential user which provides a service or one connected with commerce and which is not classified as an industrial user. The Director maintains a list of the types of businesses that are commercial users and has the authority to classify specific users.~~

COMMISSARY: A FOOD SERVICE ESTABLISHMENT THAT ACTS AS A BASE OF OPERATION FOR A MOBILE FOOD ESTABLISHMENT.

COMPLIANCE SAMPLING POINT: A MANHOLE, PETCOCK, VALVE, SAMPLING PORT, OPEN-CHANNEL FLOW DEVICE, OR OTHER WASTE PLUMBING DEVICE DESIGNATED BY THE DIRECTOR FOR MONITORING WASTEWATER FLOWS AND FOR COLLECTION OF SAMPLES FOR DETERMINING COMPLIANCE WITH EFFLUENT LIMITS.

Composite sample: A combination of individual samples obtained at regular intervals over a specified time period. The volume of each individual sample shall be is either proportional to the flow rate during the sample period (flow composite) or constant and collected at equal time intervals during the composite period (time composite) as defined in the permit.

Composite sample quality: The concentration of some parameter tested in a "composite sample," as that term is defined herein.

Cooling water: The clean wastewater discharged from any heat transfer system such as condensation, air conditioning, cooling or refrigeration.

CUSTOMER: IS ANY PERSON THAT HAS A CITY WASTEWATER SERVICE ACCOUNT IN THEIR NAME OR IS A USER OF THE POTW.

DAILY MAXIMUM: THE ARITHMETIC AVERAGE OF ALL EFFLUENT SAMPLES FOR A POLLUTANT COLLECTED DURING A SAMPLING DAY. CITY SAMPLES MAY NOT BE COMBINED WITH NON-CITY SAMPLES TO DETERMINE COMPLIANCE WITH THE DAILY MAXIMUM.

DAILY MAXIMUM LIMIT: THE MAXIMUM ALLOWABLE DISCHARGE LIMIT OF A POLLUTANT DURING A SAMPLING DAY. WHERE DAILY MAXIMUM LIMITS ARE EXPRESSED IN UNITS OF MASS, THE DAILY DISCHARGE IS THE TOTAL MASS DISCHARGED OVER THE COURSE OF THE DAY. WHERE DAILY MAXIMUM LIMITS ARE EXPRESSED AS A CONCENTRATION, THE DAILY DISCHARGE IS THE ARITHMETIC AVERAGE MEASUREMENT OF THE POLLUTANT CONCENTRATION DERIVED FROM ALL MEASUREMENTS TAKEN THAT DAY.

Daily average effluent limitation: The maximum allowable concentration in the discharge as measured in a representative sample during a sampling day. In determining compliance with the daily average effluent limitation, City samples shall not be combined with non-City samples.

DAY: IS A CALENDAR DAY UNLESS STATED OTHERWISE.

Department: The Water Services Department of the City of Phoenix.

DEPARTMENT REPRESENTATIVE: AN EMPLOYEE OF THE DEPARTMENT OR A PERSON UNDER CONTRACT TO PERFORM WORK FOR THE DEPARTMENT.

Developer: Any person THAT SUBDIVIDES LAND OR CONSTRUCTS, RECONSTRUCTS, CONVERTS, STRUCTURALLY ALTERS, RELOCATES, OR ENLARGES ANY STRUCTURE engaged in the organizing and financing of a wastewater collection system within an area contributing to a branch, main, or a trunk sewer of the City sewer system. Such may be either a subdivider or a legally constituted improvement district.

Director: The CITY Water Services Director of the Water Services Department, or his A PERSON DESIGNATED IN WRITING BY THE DIRECTOR TO ACT ON THE DIRECTOR'S BEHALF authorized deputy, agent, or representative.

Discharge: The disposal of any sewage WASTEWATER, pollutant(s), water, or any liquid BY A from any sewer user into the POTW sewerage system.

Domestic user: Any user who discharges only domestic wastewater.

Domestic waste: A typical, residential-type waste which THAT requires no pretreatment under the provisions of this chapter before THE WASTE IS DISCHARGED discharging into the PUBLIC sanitary sewer system, AND THAT EXCLUDES excluding all commercial, manufacturing, and industrial wastes.

Domestic wastewater: Any w Waterborne wastes, THAT ARE derived from the ordinary living processes in a residential dwelling unit, THAT MAY BE SATISFACTORILY DISPOSED OF of such character as to permit satisfactory disposal, without special treatment, by conventional POTW processes.

ENVIRONMENTAL PROTECTION AGENCY (EPA): The United States Environmental Protection Agency.

Establishment, plant: Any establishment or plant THAT PRODUCES producing liquid waste, WHICH MAY CONTAIN with or without suspended solids, THAT MUST required to be discharged into the PUBLIC City sewer system.

EXISTING SOURCE: A BUILDING, STRUCTURE, FACILITY, OR INSTALLATION FROM WHICH THERE IS OR MAY BE A DISCHARGE OF POLLUTANTS THAT IS NOT A NEW SOURCE AS SET FORTH IN 40 CFR SECTION 403.3(M).

FATS, OILS, AND GREASE (FOG): A VEGETABLE-BASED OR ANIMAL-BASED SUBSTANCE THAT IS USED IN OR RESULTS FROM FOOD COOKING OR PREPARATION, AND THAT BECOMES VISCOUS OR SOLIDIFIES WITH A CHANGE IN TEMPERATURE OR OTHER AMBIENT CONDITIONS.

FOOD SERVICE ESTABLISHMENT (FSE): A USER OPERATING IN A PERMANENTLY CONSTRUCTED STRUCTURE, BUILDING, OR ROOM, MAINTAINED, USED, OR OPERATED IN WHOLE OR PART TO STORE, PREPARE, SERVE, MANUFACTURE, PACKAGE, OR OTHERWISE HANDLE FOOD FOR SALE THAT USES OR PRODUCES FOG.

Free access: The ability of A DEPARTMENT REPRESENTATIVE ~~City personnel~~ to PROMPTLY AND FREELY enter A user'S PROPERTY OR facility ~~ies~~ under safe and non-hazardous conditions ~~with a minimum of delay~~ to inspect any and all parts of the ~~user's~~ PROPERTY OR facility FOR COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER.

Garbage: Solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce SWILL, OFFAL, AND ANY ACCUMULATION OF SPOILED, PARTIALLY OR FULLY DECOMPOSED, ROTTING, OR DISCARDED ANIMAL, VEGETABLE, OR OTHER MATTER THAT ATTENDS THE PREPARATION, HANDLING, CONSUMPTION, STORAGE, OR DECAY OF PLANT OR ANIMAL MATTER INCLUDING MEAT, FISH, FOWL, BUDS, FRUIT, VEGETABLE, OR DAIRY PRODUCTS AND THEIR WRAPPERS AND CONTAINERS.

Generator: ~~A person who generates septage.~~

Grab sample: An individual sample of effluent collected in ~~less than fifteen~~ 15 minutes OR LESS, without regard TO ~~for~~ flow or time of day.

GRAVITY INTERCEPTOR: A PLUMBING APPURTENANCE OR APPLIANCE THAT IS INSTALLED IN A SANITARY OR WASTE DRAINAGE SYSTEM TO INTERCEPT SOLID OR VISCOUS POLLUTANTS, FOG, PETROLEUM OIL, NON-BIODEGRADABLE CUTTING OIL, OR PRODUCTS OF MINERAL OIL ORIGIN FROM WASTEWATER DISCHARGE AND IS IDENTIFIED BY VOLUME, AND GRAVITY SEPARATION.

Grab sample quality: ~~The concentration of some parameter tested in a grab sample, as that term is defined herein.~~

HYDROMECHANICAL INTERCEPTOR: A PLUMBING APPURTENANCE OR APPLIANCE THAT IS INSTALLED IN A SANITARY DRAINAGE SYSTEM TO INTERCEPT NONPETROLEUM FOG FROM WASTEWATER DISCHARGE AND IS IDENTIFIED BY FLOW RATE AND CAPACITY.

Industrial discharge: ~~Any~~ DISCHARGE introduction into the POTW of a ~~nondomestic~~ pollutant ~~which~~ THAT IS NOT DOMESTIC WASTEWATER AND THAT:

- (a) Is produced by a source which would be subject to any categorical PRETREATMENT standards or pretreatment requirements if such source were to be discharged to the POTW; or
- (b) Contains any substance or pollutant for which a discharge limitation or prohibition has been established by any categorical standard or pretreatment requirement.

Industrial user: IS A PERSON THAT:

- (a) IS A source of industrial discharge; or
- (b) IS A nonresidential user of the POTW sewer system which THAT discharges more than the equivalent strength of ~~twenty-five thousand~~ 25,000 gallons per day of domestic wastes;
- (c) IS A significant industrial user;
- (d) ~~Has c~~Controls over the disposal of a waste as described in (a), (b), or (c) above; or
- (e) ~~Has the right of possession~~ POSSESSES OR and controls over any property which THAT produces a waste as described in (a), (b), (c), or (d) above.

Industrial waste: Any SLUDGE, liquid, OR 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.

Inflow: Water other than wastewater that enters THE PUBLIC sewerage system (including sewer service connections) from sources such as roof leaders, cellar drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers DRAINS and sanitary sewers, catch-basins, ~~cooling towers~~, stormwaters, surface runoff, street wash waters, or drainage.

Instantaneous effluent limitation LIMIT: The maximum allowable POLLUTANT concentration ALLOWED TO BE discharged at any time. COMPLIANCE WITH THE INSTANTANEOUS LIMIT IS DETERMINED FROM AN ANALYSIS OF THE COLLECTED DISCRETE OR COMPOSITE SAMPLE INDEPENDENT OF THE INDUSTRIAL FLOW RATE AND DURATION OF THE SAMPLING EVENT as measured in a grab sample. In determining compliance with the instantaneous effluent limitation, City samples shall not be combined with non-City samples.

Interference: A discharge ~~which~~THAT, alone or in conjunction with a discharge ~~or discharges~~ from other sources, both:

- (a) Inhibits or disrupts the POTW, OR its treatment processes, ~~or operations, or its sludge processes, use or disposal~~ ACTIVITIES; and
- (b) ~~Therefore is a cause of~~CAUSES a violation of any requirement of any environmentally related permit issued by a governmental entity (including an increase in the magnitude or duration of a violation), ~~or of the prevention of~~PREVENTS 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 II, more commonly referred to as the Resource Conservation and Recovery Act (RCDARCRA), 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.

Lateral sewer: A sewer that discharges into a branch or other sewer and has no other SEWER THAT DISCHARGES INTO common tributary to it.

LOCAL LIMITS: SPECIFIC DISCHARGE LIMITS DEVELOPED BY THE CITY THAT APPLY TO INDUSTRIAL OR COMMERCIAL FACILITIES THAT IMPLEMENT THE GENERAL AND SPECIFIC DISCHARGE PROHIBITIONS SET FORTH IN 40 CFR 403.5(A)(1) AND (B).

Main sewer: A sewer ~~which~~THAT receives sewage WASTEWATER from ~~two~~2 or more branch sewers as tributaries.

Maintenance: Keeping the POTW ~~sewerage works~~ in a state of repair, including expenditures necessary to maintain the PERFORMANCE AND capacity (~~capability~~), ~~for which said works were~~ IT WAS designed and constructed.

MEDICAL WASTE: ISOLATION WASTE, INFECTIOUS AGENTS, HUMAN BLOOD AND BLOOD PRODUCTS, PATHOLOGICAL WASTE, SHARPS, BODY PARTS, CONTAMINATED BEDDING, SURGICAL WASTE, POTENTIALLY CONTAMINATED LABORATORY WASTE, AND DIALYSIS WASTE.

MONTHLY AVERAGE: THE SUM OF ALL "DAILY DISCHARGES" MEASURED DURING A CALENDAR MONTH DIVIDED BY THE NUMBER OF "DAILY DISCHARGES" MEASURED DURING THE MONTH.

MONTHLY AVERAGE LIMITS: THE HIGHEST ALLOWABLE AVERAGE OF "DAILY DISCHARGES" OVER A CALENDAR MONTH, CALCULATED AS THE SUM OF ALL "DAILY DISCHARGES" MEASURED DURING A CALENDAR

MONTH DIVIDED BY THE NUMBER OF “DAILY DISCHARGES” MEASURED DURING THAT MONTH.

National pretreatment standard: Any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307(b) and (c) of the Clean Water Act (33 United States Code section 1317 et seq.) ~~which~~ THAT applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 Code of Federal Regulations CFR section 403.5.

Natural outlet: Any outlet into a watercourse, ditch, or other body of surface or ground water.

New source: 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~~ PURSUANT TO section 307(c) of the Clean Water Act THAT WERE ADOPTED BY EPA ~~which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, and as stated in detail~~ SET FORTH in 40 Code of Federal Regulations CFR section 403.3(km).

NON-CONTACT COOLING WATER: WATER USED FOR COOLING THAT DOES NOT COME INTO DIRECT CONTACT WITH A RAW MATERIAL, INTERMEDIATE PRODUCT, WASTE PRODUCT, OR FINISHED PRODUCT.

NON-SIGNIFICANT INDUSTRIAL USER (NSIU): AN INDUSTRIAL USER THAT THE DIRECTOR DETERMINES HAS AN INDUSTRIAL DISCHARGE THAT CAUSES OR HAS THE REASONABLE POTENTIAL TO CAUSE HARM OR DAMAGE TO THE POTW, WORKER SAFETY, PUBLIC SAFETY, OR THE ENVIRONMENT.

NPDES OR AZPDES permit: A National Pollutant Discharge Elimination System (NPDES) permit, issued to the City by the EPA, or an Arizona Pollutant Discharge Elimination System ~~Permit~~ (AZPDES) PERMIT, issued to the City by the State of Arizona, which imposes standards governing the quality of the treated effluent discharged from the POTW into a navigable water S of the United States.

Oil and grease: ~~The measure of oil and grease content of a sample as determined by EPA Method 413.1, or other equivalent test method approved by the Director.~~

Oil and grease (TPH): ~~For purposes of determining compliance with the oil and grease limitation contained in section 28-45(b), oil and grease is defined as the measure of the petroleum and mineral oil (total petroleum hydrocarbons (TPH)) content of a sample as determined by EPA Method 418.1, or other equivalent test method approved by the Director.~~

Pass-through: A discharge ~~which exits~~ FROM the POTW into waters of the United States in quantities or concentrations ~~which~~ THAT, alone or in conjunction with a discharge or discharges from other sources, ~~is a cause of a violation of~~ VIOLATES any requirement of the POTW NPDES OR AZPDES permitS (including an increase in the magnitude or duration of a violation) or ~~which~~ THAT causes or contributes to a violation of an applicable numeric or narrative water quality standard.

Permit: A written WASTEWATER DISCHARGE control mechanism ~~that~~ the Director issues to particular users or classes of users under the authority of THIS chapter ~~28~~ of the City Code.

Permittee, permit holder: Any person, ~~firm, association, corporation,~~ or trust ~~which~~ THAT owns, operates, ~~processes,~~ or controls PROPERTY, A FACILITY, EQUIPMENT OR PROCESSES ~~an establishment or plant being operated under a valid permit to discharge wastewater into the~~ POTW ~~City sewer system.~~

Person: Any individual, partnership, co-partnership, firm, company, corporation, association, ORGANIZATION, joint stock company, trust, state, municipality, Indian tribe, LEGALLY CONSTITUTED IMPROVEMENT DISTRICT, political subdivisions of the State or federal governmental agency, or any other legal entity, including their legal representatives, agents or assigns.

pH: ~~The logarithm of reciprocal of the weight of hydrogen ions in grams per liter of solution~~ A MEASURE OF THE ACIDITY OR ALKALINITY OF A SOLUTION, EXPRESSED IN STANDARD UNITS.

PLANNING AND DEVELOPMENT DIRECTOR: THE DIRECTOR OF THE PLANNING AND DEVELOPMENT DEPARTMENT, OR A PERSON DESIGNATED IN WRITING BY THE DIRECTOR TO ACT ON THE DIRECTOR'S BEHALF.

Pollutant: Any ~~d~~ Dredged spoil, solid waste, incinerator residue, SEWAGE, GARBAGE, sewage sludge, munitions, MEDICAL WASTE, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, ~~cellar~~ dirt, ~~and~~ industrial, municipal and agricultural wastes, AND CERTAIN CHARACTERISTICS OF WASTEWATER (E.G. PH, TEMPERATURE, TSS, TURBIDITY, COLOR, BOD, COD, TOXICITY, OR ODOR). This includes any substance ~~and~~ OR effluent limitation identified in THIS ~~c~~Chapter ~~28~~ of the City Code.

Pollution prevention: Source reduction and other practices that reduce or eliminate the creation of pollutants through:

- (a) Increased efficiency in the use of raw materials, energy, water, or other resources; or

- (b) Protection of natural resources by conservation.

~~*POTW:* Publicly owned treatment works and connecting sewer collection system which are owned and/or operated, in whole or in part, by the City and which provide the City with wastewater collection and disposal services.~~

~~*POTW residuals:* All POTW effluent and/or solids, including sludge, scum, screenings and grit, which are the byproduct of wastewater treatment operations and which must be discharged to the environment for ultimate disposal and/or reuse.~~

~~*Pretreatment:* THE REDUCTION OF THE AMOUNT OF POLLUTANTS, THE ELIMINATION OF POLLUTANTS, OR THE ALTERATION OF THE NATURE OF POLLUTANT PROPERTIES IN WASTEWATER PRIOR TO, OR IN LIEU OF, INTRODUCING SUCH POLLUTANTS INTO THE POTW. THIS REDUCTION OR ALTERATION CAN BE ACHIEVED BY PHYSICAL, CHEMICAL, OR BIOLOGICAL PROCESSES; BY PROCESS CHANGES; OR BY OTHER MEANS; EXCEPT BY DILUTING THE CONCENTRATION OF THE POLLUTANTS UNLESS ALLOWED BY AN APPLICABLE PRETREATMENT STANDARD. The physical, chemical, biological or other treatment of any industrial discharge prior to discharge to the POTW, for the purpose of:~~

- ~~(a) Reducing the amount or concentration of any pollutant; or~~
- ~~(b) Eliminating the discharge of any pollutant; or~~
- ~~(c) Altering the nature of any pollutant characteristic to a less harmful state.~~

~~*PRETREATMENT DEVICE:* EQUIPMENT, MATERIAL, DEVICES, STRUCTURES, OR FACILITIES TO REDUCE, ELIMINATE, OR ALTER THE NATURE OF POLLUTANT PROPERTIES IN WASTEWATER BEFORE OR IN LIEU OF INTRODUCING POLLUTANTS INTO THE POTW.~~

~~*Pretreatment requirements:* All of ~~the~~ the duties or responsibilities RELATED TO PRETREATMENT imposed upon POTW users by this chapter, OTHER THAN A PRETREATMENT STANDARD.~~

~~*PRETREATMENT STANDARDS:* PROHIBITED DISCHARGE STANDARDS, CATEGORICAL PRETREATMENT STANDARDS, AND LOCAL LIMITS.~~

~~*Producer:* Any person, firm, association, corporation or trust which owns, operates, possesses or controls an establishment or plant, whether or not a permittee.~~

PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES:
ABSOLUTE PROHIBITIONS AGAINST THE DISCHARGE OF CERTAIN
SUBSTANCES AS SET FORTH IN SECTION 28-8.

Properly shredded garbage: ~~Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-fourth of an inch in any dimension.~~

PUBLICLY OWNED TREATMENT WORKS (POTW): ~~Publicly owned~~ THE treatment works and connecting sewer collection system ~~which are~~ THAT IS owned and/or operated, in whole or in part, by the City and ~~which~~ TO provide the City with wastewater collection and disposal services. THE POTW INCLUDES ANY DEVICES OR SYSTEMS USED IN THE COLLECTION, STORAGE, TREATMENT, RECYCLING, AND RECLAMATION OF SEWAGE OR INDUSTRIAL WASTE, AND ANY CONVEYANCES THAT TRANSPORT WASTEWATER TO THE CITY'S WASTEWATER TREATMENT PLANT.

Public sewer: A branch, main, or trunk sewer controlled and maintained by the City of Phoenix THAT CARRIES WASTEWATER AND TO WHICH STORMWATER, SURFACE WATER, AND GROUNDWATER MAY NOT BE INTRODUCED.

PUBLISHED BY THE DEPARTMENT: PUBLICATION OF WRITTEN INFORMATION, MATERIALS, OR DOCUMENTS BY THE DEPARTMENT IN A MANNER INTENDED TO PROVIDE NOTICE TO INTERESTED OR AFFECTED PARTIES. PUBLICATION MAY BE ACCOMPLISHED BY DIRECT MAIL, CONSPICUOUS POSTING AT CITY FACILITIES, OR POSTING ON THE DEPARTMENT'S WEBSITE.

Recycling: A material is recycled if it is used, reused, or reclaimed. A material is used or reused if it is either: (a) employed as an ingredient (including its use as an intermediate) to make a product; however a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal containing secondary materials), or (b) employed in a particular function as an effective substitute for a commercial product. A material is reclaimed if it is processed to recover a useful product or if it is regenerated. Examples OF RECLAIMED MATERIAL include the recovery of lead values from spent batteries and the regeneration of spent solvents.

Replacement: ~~These expenditures made for obtaining and installing~~ THE INSTALLATION OF equipment, accessories, and/or appurtenances during the useful life of the ~~treatment works~~ POTW ~~which~~ THAT are necessary to maintain the capacity

and performance of the ~~treatment works~~POTW for which they were IT WAS designed and constructed.

Representative sample: A SAMPLE THAT MIMICS THE VOLUME AND NATURE OF THE DISCHARGE, REFLECTS THE NORMAL PROCESS OR OPERATING CYCLE OF THE FACILITY, AND THAT IS COLLECTED USING TECHNIQUES SPECIFIED IN 40 CFR 136.3 AT A DESIGNATED COMPLIANCE SAMPLING POINT LOCATED DOWNSTREAM OF PRETREATMENT AND UPSTREAM OF OTHER CONFLUENCES. ~~A composite sample obtained by flow proportional sampling techniques where feasible. When the Director determines that flow proportional composite sampling is infeasible, the Director may allow or conduct composite sampling by time proportional techniques or by the compositing or averaging of one or more grab samples.~~

Sanitary sewer: ~~A sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.~~

Septage: LIQUID OR SOLID MATERIAL REMOVED FROM A SEPTIC TANK, CESSPOOL, PORTABLE TOILET, HOLDING TANK, OR SIMILAR TREATMENT WORKS THAT RECEIVES DOMESTIC, COMMERCIAL, OR INDUSTRIAL WASTEWATER AND INCLUDES GREASE REMOVED FROM A GREASE INTERCEPTOR AT A FOOD SERVICE ESTABLISHMENT. ~~Aerobic wastewater originating from a domestic source, be it from a residential, commercial, or industrial facility, that is not hazardous waste and is compatible with the biological wastewater treatment plant process.~~

Sewage: ~~A combination of water-carried wastes~~HUMAN EXCREMENT AND GRAY WATER (E.G. WATER FROM SHOWERS, TUBS, SINKS, DISHWASHING OPERATIONS, ETC.) ~~from residences, business~~ES ~~buildings, institutions, and industrial establishments, together with such groundwaters, surface waters, and stormwaters as may be present.~~

Sewage treatment plant: ~~Any arrangement of devices and structures used for treating sewage.~~

Sewage works: ~~All facilities for collecting, pumping, treating, and disposing of sewage. As used in this chapter the term "sewer system" or "sewerage works" shall have the same meaning and definition as "sewage works."~~

Sewer: A pipe or conduit DESIGNED AND USED TO CARRY WASTEWATER~~for carrying sewage.~~

SEWER SYTEM: THE CITY SEWER SYSTEM CONSISTS OF THE POTW.

Sewer tap: The wye, saddle, or other device placed on a public-sewer to receive a building connection.

Significant industrial user:

- (a) All users subject to categorical pretreatment standards under 40 ~~CFR~~ Code of Federal Regulations section 403.6 and 40 ~~CFR~~ Code of Federal Regulations chapter I, subchapter N (parts 405—471).
- (b) Any other user that:
 - (1) Discharges an average of ~~twenty-five thousand~~ 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
 - (2) Contributes a process waste stream ~~which~~ THAT makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (3) Is designated as such by the Director on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Significant noncompliance: An industrial user is in a state of significant noncompliance (SNC) when violations meet one or more of the following criteria:

- ~~(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent 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;~~
- ~~(b) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent 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 maximum limit or the average limit multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);~~
- ~~(c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Director 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);~~
- ~~(d) 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 under this chapter to halt or prevent such a discharge;~~

~~(e) Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance;~~

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

~~(g) Failure to accurately report noncompliance; or~~

~~(h) Any other violation or group of violations which the Director determines will adversely affect the operation or implementation of the local pretreatment program.~~

Slug *LOAD OR SLUG* discharge: Any discharge AT A FLOW RATE OR CONCENTRATION THAT WOULD CAUSE A VIOLATION OF THE PROHIBITED DISCHARGE STANDARDS IN SECTION 28-8. A SLUG DISCHARGE IS A DISCHARGE of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, THAT HAS A REASONABLE POTENTIAL TO CAUSE INTERFERENCE OR PASS-THROUGH, OR IN ANY OTHER WAY VIOLATE THE POTW'S REGULATIONS, LOCAL LIMITS, OR PERMIT CONDITIONS.

Source reduction: Any practice which THAT:

- (a) Reduces the amount of any pollutant or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and OR
- (b) Reduces the hazards to public health and the environment associated with the release of such substances, pollutants or contaminants.

Standard ~~Industrial Classification~~ (*SIC*): A coded classification of industries based upon economic activity developed by the U.S. Department of Commerce as published in the Standard Industrial Classification Manual, 1972, BY THE Office of Management and Budget, AND SUPPLANTED BY THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS).

Standard Methods: The procedure as described in the most current edition of Standard Methods for the Examination of Water and Wastewater published by the American Health Association, or the most current edition of Manual of Methods for Chemical Analysis of Water and Wastes published by the U.S. Environmental Protection Agency.

STATE: STATE OF ARIZONA

Storm sewer or storm drain: A PIPE OR CONDUIT sewer ~~which~~ THAT carries storm and surface waters and drainage, but excludes SEWERS CARRYING WASTEWATER ~~sewage and polluted industrial wastes.~~

STORMWATER: RAINFALL RUNOFF, SNOW MELT RUNOFF, AND SURFACE RUNOFF AND DRAINAGE.

System design capacity: ~~The design capacity for normal domestic wastewater as established by accepted engineering standards.~~

Total organic carbon (TOC): The total of all organic compounds expressed in milligrams per liter ~~as determined by the combustion-infrared method prescribed by approved laboratory procedures.~~

TOTAL ~~S~~suspended solids (TSS): Solids measured in milligrams per liter that either float on the surface of or are in suspension in water, wastewater, or other liquids and ~~which~~ THAT are largely removable REMOVED by a laboratory filtration device, ~~as defined in the "Standard Methods" as defined herein.~~

Treatment parameter: A fundamental characteristic of sewage around which treatment is designed, such as, but not limited to, flow, BOD, and TSS ~~suspended solids.~~

Trunk sewer: A sewer ~~which~~ THAT receives ~~sewage~~ WASTEWATER from MULTIPLE many tributary main sewers and serves as an outlet for a large territory.

Upset: An exceptional incident THAT RESULTS in ~~which there is~~ unintentional and temporary noncompliance with technology-based permit effluent limit Sations ~~because of~~ DUE TO factors beyond the reasonable control of the permittee, WHICH EXCLUDES ~~excluding~~ such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.

User: Any person, lot, parcel of land, building, premises, municipal corporation or other ~~political subdivision~~ that discharges, causes, or permits the discharge of wastewater into the POTW ~~sewage system.~~

Waste minimization: An activity ~~which~~ THAT eliminates or reduces the amount of any pollutant from entering the waste stream or the environment. This may include a change in raw materials, operational improvement, process improvement, product reformulation, reuse, or reclamation.

Wastewater: Any Liquid or AND water-carried pollutant INDUSTRIAL WASTE AND SEWAGE FROM RESIDENTIAL DWELLINGS, COMMERCIAL BUILDINGS,

INDUSTRIAL AND MANUFACTURING FACILITIES, AND INSTITUTIONS, WHETHER TREATED OR UNTREATED, including an industrial discharge, which THAT is introduced~~DISCHARGED~~ into the POTW from any source.

WASTEWATER TREATMENT PLANT: THE PART OF THE POTW THAT TREATS MUNICIPAL SEWAGE AND INDUSTRIAL WASTE.

Watercourse: A channel in which a WATER flow S of water occurs, either continuously or intermittently.

Zero process discharge user: This term applies to those users that only discharge domestic wastes or have no discharge, but have significant quantities of hazardous materials or high strength waste which, if discharged, would be regulated by this ordinance. Such facilities may be regulated by requiring them to have zero discharge of process wastes, thus allowing only domestic wastes to be discharged.

Sec. 28-2. Water Services Department—Administration.

THE DEPARTMENT, UNDER THE SUPERVISION OF THE DIRECTOR, WILL OPERATE AND MAINTAIN ALL CITY PUBLIC WATER AND SEWER SYSTEM FACILITIES. For the proper administration of the Water Services Department and the operation of the water and sewerage works of the City, there shall be appointed by the City Manager from the proper civil service classified lists a Water Services Director, an Assistant Water Services Director, a Water Services Technical Services Superintendent, a Water Services Engineering Superintendent, a Water Distribution Superintendent, a Water Production Superintendent, a Wastewater Treatment Superintendent, a Wastewater Collection Superintendent, and such other additional assistants as may be required for the operation of the Water Services Department.

Sec. 28-3. Water Services Department—Duties—Water Services Director.

The Water Services Director, hereinafter referred to as Director, shall be IS the general executive officer in charge of THE DEPARTMENT AND IS IN CHARGE OF all personnel, ~~the entire operation~~S, equipment, and facilities of the Water Services Department. He shall also have general supervision over, subject to the approval of the City Manager, all charges for water and sewer services, departmental policies, agreements, new connections, repairs, etc., and for all charges not expressly provided for in this chapter. THE DIRECTOR WILL ESTABLISH, ADMINISTER AND SUPERVISE RULES, REGULATIONS, POLICIES, PROCEDURES AND AGREEMENT IN ACCORDANCE WITH THIS CHAPTER. THE DIRECTOR WILL ADMINISTER AND RECOMMEND WATER AND SEWER SERVICE CHARGES AND FEES IN ACCORDANCE WITH THIS CHAPTER. AT ALL TIMES, THE DIRECTOR'S ACTIONS ARE SUBJECT TO APPROVAL OF THE CITY MANAGER.

Sec. 28-4. Interference with the Water Services Department; digging up streets without a permit; tampering with equipment prohibited.

A PERSON IS GUILTY OF A MISDEMEANOR AS PROVIDED IN THIS CHAPTER IF THEY:

(a) ~~Every person who shall in any way interfere with employees of the Water Services A~~ Department REPRESENTATIVE in THE any discharge of their duties, either in the tapping of any sewer pipe, main, or lateral belonging to the City, or the INSPECTION, cleaning, laying, REPAIR, MAINTENANCE, or connection of any such pipe, ~~or main, or lateral;~~

(b) ~~or who shall dig up or cause to be dug up, any street or alley in the City for the purpose of connecting with the sewer system of the City without first obtaining a permit from the Water Services Director, or who, having a permit, shall dig~~ S up any portion of any street or alley of the City for the purpose of connecting with the sewer system of the City and ~~shall fail~~ S or neglect S to RETURN place the street or alley TO in its original condition; OR

(c) ~~or who shall maliciously or willfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which~~ THAT is a part of the POTW municipal sewage works shall be guilty of a misdemeanor.

Sec. 28-5. Property owner responsible for cleaning, repair, and replacement of building sewers and connections.

(a) EXCEPT AS PROVIDED IN THIS SECTION, ~~The A~~ property owner THAT RECEIVES CITY SEWER SERVICE MUST CLEAN, UNSTOP, MAINTAIN, shall be responsible for the cleaning, unstopping, maintenance and repair of the building connection piping THAT SERVES serving the owner's property from the home or building to the public sewer line, ~~except for repair or replacement of damaged or broken piping in the public right-of-way serving a single-family or duplex property.~~

(b) Where the correction of a SEWER LINE ~~stoppage~~ requires the repair or replacement of a damaged or broken section of the building connection piping THAT SERVES serving a single-family or a duplex property, and the damaged or broken section is located within the public right-of-way, the City will be responsible for the repair or replacement of the damaged or broken section in the public right-of-way.

(c) Where the correction of a SEWER LINE ~~stoppage~~ requires the repair or replacement of a damaged or broken section of the building connection piping THAT SERVES serving other than a single-family or a duplex property, and the damaged or broken section is located off property in a street or alley, the owner or THE

OWNER'S ~~this contractor~~ IS RESPONSIBLE FOR THE REPAIR OR REPLACEMENT OF THE DAMAGED OR BROKEN SECTION AND MUST ~~shall~~ obtain a permit from the City BEFORE THE OWNER OR THE OWNER'S CONTRACTOR PERFORMS ~~to do~~ work in a public right-of-way ~~prior to doing the work.~~

Sec. 28-5.1. Sewer service line repair and replacement in the public right-of-way.

(a) The OWNER OF single-family or duplex property ~~I~~Sewer ~~shall be~~ responsible for DETERMINING ~~first ascertaining~~ the approximate location of damaged or broken section of piping serving the property. If the damaged or broken section is LOCATED in the public right-of-way, the property owner ~~shall~~MUST contact the ~~Water Services~~ Department. The Department will verify the damaged or broken location ~~via video~~ THROUGH inspection. If the damaged or broken section is verified to be in the public right-of-way, and is sufficient in nature to require repair, the Department ~~shall~~WILL ~~initiate appropriate repair or replacement~~ THAT PIPING SECTION. ~~When the broken section is on the private property, it will be the~~THE property owner's responsibility to MUST repair OR REPLACE the broken PIPING section LOCATED ON PRIVATE PROPERTY.

(b) Disputes as to THE location, extent of damage, or the method of repair, or replacement of the damaged or broken PIPING section ~~shall~~WILL be resolved at the sole discretion of the ~~Water Services~~ Director.

~~(c) A special account shall be created to fund such repairs and replacements with an annual allocation as approved by the City Council with the annual budget for each fiscal year. Requests for repairs or replacements shall be handled on a first-in basis. When the total funding in the account has been exhausted, all subsequent requests will be deferred until the City Council approves additional funding to the account.~~

ARTICLE II. USE OF PUBLIC SEWERS AND LIMITATIONS

Sec. 28-6. Unsanitary disposal of SEWAGE AND excrement prohibited.

It ~~I~~S ~~shall be~~ unlawful for any person to deposit, or permit to be deposited, HUMAN OR ANIMAL EXCREMENT, SEWAGE, OR SEPTAGE in an unsanitary manner, upon public or private property within the City, or in any area under the jurisdiction of the City, ~~any human or animal excrement or other objectionable waste.~~

Sec. 28-7. Treatment of polluted wastes required.

It ~~I~~S ~~shall be~~ unlawful FOR A PERSON to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage, SEPTAGE, industrial wastes, POLLUTANTS, LIQUID WASTE, or other polluted waters, except where

suitable treatment has been provided AND APPLICABLE PERMITS HAVE BEEN OBTAINED in accordance with provisions of this chapter.

Sec. 28-8. General user PROHIBITIONS AND EFFLUENT LIMITS requirements.

(a) NO USER MAY INTRODUCE OR CAUSE TO BE INTRODUCED INTO THE POTW ANY POLLUTANT, SUBSTANCE, OR WASTEWATER THAT CAN CAUSE PASS-THROUGH OR INTERFERENCE. POLLUTANTS, SUBSTANCES, OR WASTEWATER PROHIBITED BY THIS SECTION MAY NOT BE PROCESSED OR STORED IN SUCH A MANNER THAT IT COULD BE DISCHARGED TO THE POTW. It ~~IS~~ shall be unlawful for any user to discharge or cause to be discharged to any entry point into the POTW ~~publicly owned sanitary sewer system~~ ANY OF THE FOLLOWING:

(a1) Unless otherwise approved by the Director, any stormwater, surface water, groundwater, roof runoff, surface drainage, ~~cooling water or unpolluted process waters that may constitute~~ S inflow as defined herein;

(b2) Pollutants ~~THAT~~ which create a fire or explosion hazard to the system or POTW; ~~in no case shall~~ MAY pollutants be discharged with a closed cup flashpoint less than ~~140~~ one hundred forty degrees Fahrenheit (~~60~~ sixty degrees Centigrade), or pollutants which ~~THAT~~ cause an exceedance of ~~10~~ ten percent of the lower explosive limit (LEL) at any point within the POTW for any single reading or more than ~~5~~ five percent for any two consecutive readings;

(c3) Solid or viscous pollutants, ~~animal fats, oils and grease~~ FOG, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin ~~in amounts that~~ CAN may cause interference or pass-through or that CAN may cause obstruction to the flow in sewers or other damage to the POTW;

(d4) Any ~~w~~Waters or wastes containing a toxic, radioactive, poisonous, or other substances in sufficient quantity to cause or have the potential to cause injury or interference with IN THE POTW ~~any sewage treatment process~~, cause corrosive structural damage, constitute a hazard to humans, or create any hazard to the POTW sewerage system or in the receiving waters of the POTW, or pollutants ~~THAT~~ which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that ~~may cause acute~~ POSES A THREAT TO worker health and safety ~~problems~~;

(e5) Any ~~w~~Waters with a pH less than 5.0 standard units (S.U.) or greater than 10.5 S.U.;

(f6) Any ~~w~~Waters with a temperature greater than ~~150~~ one hundred fifty degrees Fahrenheit (~~66~~ sixty six degrees Centigrade) or heat in amounts which ~~THAT~~ will

inhibit biological activity in the POTW resulting in interference, but in no event heat in such quantities that the temperature at the headworks of the WASTEWATER POTW treatment plant exceeds 104one hundred four degrees Fahrenheit (40forty degrees Centigrade);

(g7) ~~Any w~~Water or waste that has in any way been diluted BY MEANS OF INCREASING THE USE OF PROCESS WATER OR OTHER WATER AS A PARTIAL OR COMPLETE, as a substitute for EFFECTIVE pretreatment, for the purpose of obtaining compliance with any DISCHARGE LIMIT, categorical standard, or pretreatment requirement imposed by this chapter except where dilution is expressly authorized by any categorical PRETREATMENT standard OR REQUIREMENT; THE DIRECTOR MAY IMPOSE MASS LIMITS ON THE USERS THAT ARE USING DILUTION TO MEET PRETREATMENT REQUIREMENTS, OR IN OTHER CASES WHERE THE IMPOSITION OF MASS LIMITS IS APPROPRIATE;

(h8) ~~Any w~~Water or waste that could cause a violation of any categorical standard or pretreatment requirement;

(i9) ~~Any w~~Water or waste that is transported from the point of generation to the POTW by any septic tank pumper, or chemical waste hauler, or similarly transported unless the transporter has first:

(1)a. Disclosed to the Director the origin, nature, concentration, and volume of all pollutants to be discharged; and

(2)b. Obtained the written consent of the Director to discharge;

(j10) ~~Any water or waste~~POLLUTANTS, INCLUDING OXYGEN DEMANDING POLLUTANTS (BOD, ETC) RELEASED IN A DISCHARGE AT A FLOW RATE OR POLLUTANT CONCENTRATION THAT EITHER BY ITSELF, OR THROUGH INTERACTION WITH OTHER POLLUTANTS, which could cause interference or pass-through with POTW operations OR PASS-THROUGH.

(k11) Any discharge that exhibits a characteristic of a hazardous waste, or contains a substance that is listed as a hazardous waste pursuant to either Arizona Administrative Code R18-8-261, as amended, or ~~title 40, CFR~~Code Of Federal Regulations Part 261, as amended, whichever is applicable, whether or not the discharge is otherwise subject to hazardous waste regulations; ~~This provision does not apply to domestic wastewater or to discharges of hazardous wastes that are authorized by the Director.~~

(12) Any wastewater or waste exceeding the limits for the following substances that are expressed in the total form except if otherwise stated:

**INSTANTANEOUS EFFLUENT
LIMITATIONS**

Substance	Limitation (mg/L*)
Benzene	35 ug/L*0.035
Chloroform	2000 ug/L2.0

* millimicrograms per liter

(13) Any of the following prohibited substances:

4,4'—DDE

4,4'—DDT

Aldrin

BHC-alpha

BHC-beta

BHC-gamma (Lindane)

Heptachlor

Heptachlor expoxide

Polychlorinated biphenyl compounds (PCB)

(14) NOXIOUS OR MALODOROUS LIQUIDS, GASES, SOLIDS, OR OTHER WASTEWATER THAT, EITHER BY ITSELF OR THROUGH INTERACTION WITH OTHER WASTES, IS SUFFICIENT TO CREATE A PUBLIC NUISANCE OR HAZARD TO LIFE, OR PREVENT ENTRY INTO THE SEWERS FOR MAINTENANCE OR REPAIR;

(15) WASTEWATER THAT IMPARTS COLOR WHICH CANNOT BE REMOVED BY THE TREATMENT PROCESS, SUCH AS, BUT NOT LIMITED TO, DYE WASTE AND VEGETABLE TANNING SOLUTION, WHICH CONSEQUENTLY

IMPARTS COLOR TO THE TREATMENT PLANT'S EFFLUENT THEREBY VIOLATING A NPDES OR AZPDES PERMIT ISSUED TO THE CITY;

(16) SLUDGES, SCREENINGS, OR OTHER RESIDUALS FROM THE PRETREATMENT OF INDUSTRIAL WASTES;

(17) MEDICAL WASTES, EXCEPT AS SPECIFICALLY AUTHORIZED BY THE DIRECTOR IN AN INDIVIDUAL WASTEWATER DISCHARGE PERMIT;

(18) DETERGENTS, SURFACE-ACTIVE AGENTS, OR OTHER SUBSTANCES THAT RESULTS IN EXCESSIVE FOAMING IN THE POTW; AND

(19) WASTEWATER CAUSING, ALONE OR IN CONJUNCTION WITH OTHER SOURCES, THE TREATMENT PLANT EFFLUENT TO FAIL TOXICITY TESTING.

(b) THE DIRECTOR HAS ESTABLISHED THE FOLLOWING LOCAL LIMITS TO PROTECT AGAINST PASS-THROUGH AND INTERFERENCE AT THE POTW:

(1) NO PERSON MAY DISCHARGE ANY WATER OR WASTE EXCEEDING THE LIMITS FOR THE FOLLOWING DAILY MAXIMUM LIMITS;

(2) THE LIMITS BELOW APPLY AT THE POINT WHERE THE WASTEWATER IS DISCHARGED TO THE POTW; ALL CONCENTRATIONS FOR METALLIC SUBSTANCES ARE FOR TOTAL METAL UNLESS INDICATED OTHERWISE; THE DIRECTOR MAY IMPOSE MASS LIMITS IN ADDITION TO THE CONCENTRATION-BASED LIMITS BELOW;

DAILY MAXIMUM LIMITS

<u>Substance</u>	<u>Limitation (mg/L*)</u>
<u>Arsenic</u>	<u>0.13</u>
<u>Cadmium</u>	<u>0.047</u>
<u>Copper</u>	<u>1.5</u>
<u>Cyanide</u>	<u>2.0</u>
<u>Lead</u>	<u>0.41</u>

<u>Substance</u>	<u>Limitation (mg/L*)</u>
<u>Mercury</u>	<u>0.0023</u>
<u>Selenium</u>	<u>0.10</u>
<u>Silver</u>	<u>1.2</u>
<u>Zinc</u>	<u>3.5</u>

* mg/L = milligrams per liter

Sec. 28-9. Authority of Director to establish prohibitions and effluent limitations.

(a) In addition to the prohibitions and effluent limitations contained in this chapter, the Director ~~MAY~~ shall have the authority to

(1) establish limitations for individual users or A class of users for various pollutants, materials, waters, or wastes that can be accepted into the sewer system; AND

(2) specify those pollutants, materials, waters, or wastes that are prohibited from entering the sewer system and (3) identify those pollutants, materials, waters or wastes that shall be controlled with best management practices.

(b) All prohibitions and effluent limitations so established ~~WILL~~ shall be PUBLISHED BY THE DEPARTMENT AND placed on file with the City Clerk, and will become effective and enforceable ~~on the thirty-first day~~ 30 DAYS after the date of filing.

(c) All affected individual users or class of users shall ~~shall~~ MUST comply with the prohibitions and effluent limitations established pursuant to this section.

~~(d) Pollutants, materials, waters or wastes to be controlled with best management practices that have been identified by the Director shall be placed on file with the City Clerk and will become effective and enforceable on the thirty-first day after the date of the filing.~~

Sec. 28-9.1. Authority of Director to require best management practices.

(a) The Director ~~has the authority to~~ MAY require individual users or A class of users to implement best management practices for any pollutant.

(b) All affected individual users or class of users MUST ~~shall~~ comply with any best management practices required by the Director.

(c) THE DIRECTOR MAY IDENTIFY THOSE POLLUTANTS, MATERIALS, WATERS, OR WASTE THAT MUST BE CONTROLLED WITH BEST MANAGEMENT PRACTICES.

(d) BEST MANAGEMENT PRACTICES DEVELOPED AND REQUIRED BY THE DIRECTOR WILL BE PUBLISHED BY THE DEPARTMENT AND PLACED ON FILE WITH THE CITY CLERK, AND WILL BECOME EFFECTIVE AND ENFORCEABLE 30 DAYS AFTER THE DATE OF THE FILING.

Sec. 28-10. Preliminary treatment SYSTEMS, DEVICES, AND FACILITIES—
Required approval.

(a) Where REQUIRED BY ~~necessary in the opinion of the~~ Director, any user of the POTW MUST ~~sewage works shall~~ provide, at his THE USER'S expense, such preliminary treatment SYSTEMS, DEVICES, AND FACILITIES as may be necessary to COMPLY WITH THIS CHAPTER, AND MUST ACHIEVE COMPLIANCE WITH ALL CATEGORICAL PRETREATMENT STANDARDS, LOCAL LIMITS, AND PROHIBITIONS SET OUT IN SECTION 28-8 WITHIN THE TIME LIMITS SPECIFIED BY EPA, THE STATE, OR THE DIRECTOR, WHICHEVER IS EARLIEST IN TIME ~~reduce objectionable characteristics or constituents to within the maximum limits provided for in this chapter.~~

(b) DETAILED PLANS DESCRIBING SUCH SYSTEMS, DEVICES, AND FACILITIES, AND THEIR OPERATING PROCEDURES, AS WELL AS ~~Plans, specifications, and any other pertinent information relating to~~ THE proposed preliminary treatment SYSTEMS, DEVICES, AND facilities REQUESTED BY THE DIRECTOR MUST ~~shall~~ be submitted BY THE USER for the DIRECTOR'S ~~approval of the~~ Director.

(c) No construction of such PRETREATMENT facilities MAY BEGIN ~~shall be~~ commenced until the USER RECEIVES THE Director's WRITTEN approval ~~is obtained in writing~~. The completed facilities ~~shall~~ MAY not be placed in service OR OPERATED until they have been inspected for conformance to the approved plans and the final construction IS approved IN WRITING by the Director.

(d) The approval of the plans and inspection of construction ~~shall~~ WILL not relieve the ~~owner~~ USER from MODIFYING SUCH SYSTEMS, DEVICES, AND FACILITIES AS NECESSARY TO PRODUCE A DISCHARGE THAT COMPLIES ~~complying with~~ discharge limitations S set forth in this chapter. The City will enforce federal pretreatment requirements as set forth in 40 CFR ~~Code of Federal Regulations~~ part 403.

Sec. 28-11. Preliminary treatment—Maintenance of SYSTEMS, DEVICES, AND facilities.

Where preliminary PREtreatment SYSTEMS, DEVICES, AND facilities are provided for any waters or wastes, they shall MUST be maintained continuously in satisfactory and effective operation by the owner USER at his THE USER'S expense. The owner shall USER MUST keep written records and documentation of all cleaning, repair, calibration, and maintenance required to demonstrate compliance with this section. Records AND DOCUMENTATION MUST BE AVAILABLE shall be kept at the USER'S facility OR SITE for a minimum of three3 years FROM THE DATE CREATED and be made available to the Director upon request.

Sec. 28-11.1. PRETREATMENT—BYPASS

(a) FOR THE PURPOSES OF THIS SECTION, SEVERE PROPERTY DAMAGE MEANS SUBSTANTIAL PHYSICAL DAMAGE TO PROPERTY, DAMAGE TO THE PRETREATMENT SYSTEMS, DEVICES, OR FACILITY THAT CAUSES THEM TO BECOME INOPERABLE, OR SUBSTANTIAL AND PERMANENT LOSS OF NATURAL RESOURCES THAT CAN REASONABLY BE EXPECTED TO OCCUR IF BYPASS DOES NOT TAKE PLACE. SEVERE PROPERTY DAMAGE DOES NOT MEAN ECONOMIC LOSS CAUSED BY DELAYS IN PRODUCTION.

(b) AN INDUSTRIAL USER MAY ALLOW A BYPASS TO OCCUR THAT DOES NOT CAUSE PRETREATMENT STANDARDS OR REQUIREMENTS TO BE VIOLATED ONLY IF THE BYPASS IS FOR ESSENTIAL MAINTENANCE TO ASSURE EFFICIENT OPERATION OF THE PRETREATMENT SYSTEMS, DEVICES, OR FACILITY. THESE ALLOWED BYPASSES ARE NOT SUBJECT TO THE PROVISION OF PARAGRAPHS (C), (D), AND (E) OF THIS SECTION.

(c) INDUSTRIAL USERS MUST NOTIFY THE DEPARTMENT OF A BYPASS.

(1) IF AN INDUSTRIAL USER KNOWS IN ADVANCE OF THE NEED FOR A BYPASS, IT MUST SUBMIT PRIOR NOTICE TO THE DEPARTMENT AT LEAST 10 DAYS BEFORE THE DATE OF THE ANTICIPATED BYPASS IF PRACTICABLE.

(2) AN INDUSTRIAL USER MUST PROVIDE VERBAL NOTICE TO THE DEPARTMENT OF AN UNANTICIPATED BYPASS THAT EXCEEDS APPLICABLE PRETREATMENT STANDARDS WITHIN 24 HOURS OF LEARNING THE BYPASS OCCURRED.

(3) AN INDUSTRIAL USER MUST PROVIDE WRITTEN DOCUMENTATION TO THE DEPARTMENT WITHIN 5 DAYS OF LEARNING A BYPASS OCCURRED. THE WRITTEN DOCUMENTATION MUST CONTAIN A DESCRIPTION OF THE BYPASS AND ITS CAUSE; THE DURATION OF THE BYPASS, INCLUDING

EXACT DATES AND TIMES; AND, IF THE BYPASS HAS NOT BEEN CORRECTED, THE ANTICIPATED TIME IT IS EXPECTED TO CONTINUE; AND STEPS TAKEN OR PLANNED TO REDUCE, ELIMINATE, AND PREVENT REOCCURRENCE OF THE BYPASS.

(d) OTHER THAN THOSE ALLOWED IN PARAGRAPH (B) OF THIS SECTION, BYPASS IS PROHIBITED AND THE DIRECTOR MAY TAKE ENFORCEMENT ACTION AGAINST AN INDUSTRIAL USER FOR A BYPASS, UNLESS:

- (1) THE 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 BACK-UP EQUIPMENT SHOULD HAVE BEEN INSTALLED IN THE EXERCISE OF REASONABLE ENGINEERING JUDGMENT TO PREVENT A BYPASS THAT OCCURRED DURING NORMAL PERIODS OF EQUIPMENT DOWNTIME OR PREVENTIVE MAINTENANCE; AND
- (3) THE INDUSTRIAL USER SUBMITTED NOTICE AS REQUIRED UNDER PARAGRAPH (C) OF THIS SECTION.

(e) THE DIRECTOR MAY APPROVE AN ANTICIPATED BYPASS, AFTER CONSIDERING ITS POTENTIAL IMPACT ON THE POTW, IF THE DIRECTOR DETERMINES THAT THE BYPASS WILL MEET THE THREE CONDITIONS LISTED IN PARAGRAPH (D) OF THIS SECTION.

Sec. 28-12. Interceptors—Required.

(a) Interceptors such as grease, oil or sand shall be provided for ~~laundries, restaurants, and other facilities when, in the opinion of the Director~~ **MUST BE INSTALLED AND OPERATED BY** laundries, ~~restaurants~~ **FOOD SERVICE ESTABLISHMENTS**, service stations, auto repair shops, carwashes, **COMMISSARIES**, and other facilities when, ~~in the opinion of the Director~~ **DETERMINES** they are necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts, or any flammable wastes, ~~sand~~ **SOLIDS**, ~~and~~ **OR** other harmful ingredients.

(b) MOBILE FOOD ESTABLISHMENTS MUST FOLLOW ALL APPLICABLE STATE, COUNTY, AND LOCAL REGULATIONS. WASTEWATER GENERATED BY A MOBILE FOOD VENDOR MUST BE DISCHARGED AT AN APPROVED COMMISSARY. ONLY AN ESTABLISHMENT WITH A CITY APPROVED PRETREATMENT DEVICE MAY BE APPROVED AS A COMMISSARY UNLESS GRANTED A VARIANCE BY THE DIRECTOR.

Sec. 28-13. Interceptors—Type; capacity; location.

~~All interceptors shall~~ INTERCEPTORS MUST be of a type and capacity approved by the Director, ~~and shall~~ THE DIRECTOR WILL MAINTAIN A LIST OF APPROVED INTERCEPTORS, WHICH WILL BE PUBLISHED BY THE DEPARTMENT. ADDITIONAL TYPE AND CAPACITY REQUIREMENTS ARE ESTABLISHED IN POLICY AND THE CURRENT ADOPTED PLUMBING CODE, AND WILL BE PUBLISHED BY THE DEPARTMENT. ALL INTERCEPTORS MUST be located as to be FREE FROM OBSTRUCTIONS, AND readily and easily accessible for cleaning and inspection. IF AN INTERCEPTOR IS LOCATED IN A POTENTIALLY HAZARDOUS LOCATION, SUCH AS ACTIVE TRAFFIC LOCATIONS, THE DIRECTOR RESERVES THE RIGHT TO TEMPORARILY CLOSE THE AREA TO TRAFFIC TO ALLOW INSPECTION OF THE DEVICE.

Sec. 28-14. Interceptors—Construction of grease and oil interceptors.

~~Grease and oil interceptors shall~~ INTERCEPTORS MUST be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They ~~shall~~ MUST be of substantial construction, watertight, and equipped with easily removable covers. When bolted covers are required, they ~~shall~~ MUST be gastight and watertight.

Sec. 28-15. Interceptors—Maintenance.

(a) ~~Where installed, interceptors such as grease, oil or sand shall~~ INTERCEPTORS MUST be maintained by the ~~USER~~ owner, at his expense, in continuously ~~efficient operation~~ EFFECTIVE OPERATING CONDITION at all times, WHICH MINIMALLY REQUIRES THE FOLLOWING: (1) PERIODIC REMOVAL OF ALL ACCUMULATED GREASE, LINT, OIL, SAND, SLUDGE, SOLIDS, WASTEWATER, AND OTHER MATERIALS; (2) THOROUGH CLEANING OF THE PRETREATMENT DEVICE INTERIOR; AND (3) NECESSARY REPAIRS TO INTERNAL STRUCTURES ~~The owner shall keep written records and documentation of all cleaning, repair, calibration and maintenance required to demonstrate compliance with this section. Records shall be kept at the facility for a minimum of three years and be made available to the Director upon request.~~

(b) USERS OF GRAVITY INTERCEPTORS MUST FULLY PUMP OUT AND CLEAN THE INTERCEPTOR AT A FREQUENCY SUCH THAT THE COMBINED GREASE, LINT, OIL, SAND, SLUDGE, AND SOLIDS ACCUMULATION DOES NOT EXCEED 25 PERCENT OF THE TOTAL LIQUID VOLUME CAPACITY AS MEASURED AT THE STATIC WATER LEVEL OF THE INTERCEPTOR. EXCEPT AS SET FORTH IN PARAGRAPH (C), USERS OF GRAVITY INTERCEPTORS MUST FULLY PUMP OUT

AND CLEAN THE INTERCEPTOR AT LEAST ONCE EVERY 12 MONTHS UNLESS GRANTED A VARIANCE BY THE DIRECTOR.

(c) USERS OF GRAVITY INTERCEPTORS AT FOOD SERVICE ESTABLISHMENTS THAT CAPTURE FOG MUST FULLY PUMP OUT AND CLEAN THE INTERCEPTOR AT A FREQUENCY OF NOT LESS THAN ONCE EVERY 3 MONTHS UNLESS GRANTED A VARIANCE BY THE DIRECTOR.

(d) USERS OF HYDROMECHANICAL INTERCEPTORS MUST FULLY PUMP OUT AND CLEAN THE INTERCEPTOR AT A FREQUENCY OF NOT LESS THAN ONCE EVERY 30 DAYS UNLESS GRANTED A VARIANCE BY THE DIRECTOR. NO HYDROMECHANICAL INTERCEPTOR MAY BE ALLOWED TO GO MORE THAN 90 DAYS WITHOUT MAINTENANCE.

(e) THE REMOVED CONTENTS OF AN INTERCEPTOR MUST BE LAWFULLY DISPOSED AND MAY NOT BE REINTRODUCED OR DECANTED BACK INTO THE INTERCEPTOR, A SEWER CLEANOUT, ANOTHER INTERCEPTOR, OR OTHER NON-ALLOWED OPENING OF A COLLECTION SYSTEM OR PRIVATE SEWER SYSTEM.

(f) THE USER MUST KEEP RECORDS AND DOCUMENTATION OF ALL CLEANING, VOLUME OF WASTE REMOVED, DEVICE CAPACITY, WASTE DISPOSAL, REPAIR, REPLACEMENT, AND MAINTENANCE REQUIRED TO DEMONSTRATE COMPLIANCE WITH THIS SECTION. RECORDS AND DOCUMENTATION MUST BE AVAILABLE AT THE FACILITY OR SITE FOR A MINIMUM OF 3 YEARS FROM THE DATE CREATED AND BE MADE AVAILABLE TO THE DIRECTOR UPON REQUEST.

(g) THE USE OF CHEMICALS, ENZYMES, PROTEINS, BACTERIA, GREASE SOLVENTS, EMULSIFIERS, OR OTHER SIMILAR SUBSTANCES TO DISSOLVE FOG IN LIEU OF PHYSICAL CLEANING IS PROHIBITED.

Sec. 28-16. ADOPTION OF CITY DESIGN STANDARDS MANUAL FOR WATER AND WASTEWATER SYSTEMS~~Control manholes.~~

THE DIRECTOR WILL PREPARE AND MAINTAIN A CITY DESIGN STANDARDS MANUAL FOR WATER AND WASTEWATER SYSTEMS WITH POLICIES, STANDARDS, PROCEDURES, AND PRACTICES RELATED TO COMPLIANCE WITH THIS CODE. THE DESIGN STANDARDS MANUAL FOR WATER AND WASTEWATER SYSTEMS IS A COMPREHENSIVE, STATE-OF-THE-PRACTICE WATER AND WASTEWATER DESIGN DOCUMENT THAT ADDRESSES WATER AND WASTEWATER DESIGN CRITERIA, WATER DISTRIBUTION AND TRANSMISSION SYSTEMS, WASTEWATER COLLECTION INCLUDING LIFT STATIONS, AND FORCE MAIN REQUIREMENTS FOR PUBLIC AND PRIVATE DEVELOPMENT WITHIN THE CITY. FOR THE PURPOSES OF THIS CHAPTER, THE CITY DESIGN STANDARDS MANUAL FOR WATER AND WASTEWATER SYSTEMS

INCLUDES THE CHECKLISTS, ENGINEERING DETAILS, POLICIES AND PROCEDURES, AND SPECIFICATIONS AND DETAILS REFERENCED AND USED IN THE CITY DESIGN STANDARDS MANUAL. THE DESIGN STANDARDS MANUAL FOR WATER AND WASTEWATER SYSTEMS WILL BE ON FILE IN THE OFFICE OF THE CITY CLERK AND WILL BE AVAILABLE ON THE DEPARTMENT'S WEBSITE.

~~When required by the Director, the owner of any property served by a building sewer carrying potentially harmful or industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, measurement and sampling of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.~~

Sec. 28-17. Right of entry for inspection.

(a) ~~Any authorized employee of the Water Services Department~~ REPRESENTATIVE shall WILL, upon presentation of his credentials, have free access ~~as that term in herein defined~~ at all reasonable hours to any commercial or industrial premises connected to the City's service area or connected to the City's sewer system for purposes of assessing applicability OF and/or compliance with the requirements of this chapter.

(b) ~~Servicemen, water quality inspectors, sanitary engineers, or other employees of the Water Services~~ A Department REPRESENTATIVE, whose duty it may be to enter upon commercial or industrial premises to make inspections and collect samples or measure the quantity of wastes discharged to the City sewer, shall WILL be provided with credentials to identify them as authorized representatives for the ~~Water Services Department~~.

(c) No person, except an ~~authorized employee of the Water Services~~ A Department REPRESENTATIVE, shall WILL have or exhibit any credentials of the ~~Water Services Department~~. It shall be the duty of each employee of the Department, upon resignation or dismissal, to deliver and surrender at the office of the Director all credentials of the Department in his possession.

(d) Any user or potential user shall MUST allow all inspection, monitoring, AND ACCESS TO RECORDS AND DOCUMENTS, AND OTHER INFORMATION ~~copying of records, etc.,~~ reasonably needed by the Director ~~or his agent~~ to perform the duties required or needed under this chapter. A USER OR POTENTIAL USER THAT DENIES A DEPARTMENT REPRESENTATIVE FREE ACCESS TO ITS PREMISES IS IN VIOLATION OF THIS CHAPTER.

Sec. 28-18. Discharges to be reported.

Every user of the City sewer system shall ~~shall~~MUST report to the Director immediately any accident, negligent act, or other occurrence that ~~occasions~~RESULTS IN a discharge to the public sewer of any wastes or process waters that exceed the permissible limits for such wastes established by the Director.

Sec. 28-19. RESERVEDTests and analyses.

~~All tests and analyses of the characteristics of waters and waste shall be determined in accordance with approved laboratory procedures.~~

Sec. 28-20. Reserved.

ARTICLE III. SEWER EXTENSIONS

Sec. 28-21. SEWER MAIN EXTENSION AND CONNECTIONApproval by City Engineer and Director required.

- (a) A DEVELOPER THAT SEEKS TO CONNECT A SEWER MAIN EXTENSION TO A PUBLIC SEWER MUST SUBMIT CONSTRUCTION PLANS AND SPECIFICATIONS FOR APPROVAL TO THE DIRECTOR, PAY ESTABLISHED FEES AND CHARGES, AND RECEIVE APPROVED PERMITS FROM THE CITY BEFORE CONSTRUCTION OF THE SEWER MAIN EXTENSION WILL ALLOWED.
- (b) THE DEPARTMENT WILL NOT PERFORM FIELD ENGINEERING OR PREPARE DETAILED PLANS AND SPECIFICATIONS FOR SEWER MAIN EXTENSIONS AND ASSOCIATED APPURTENANCES FOR A DEVELOPER. THE DEVELOPER IS RESPONSIBLE FOR ALL COSTS TO HIRE A CIVIL ENGINEER REGISTERED IN ARIZONA TO PERFORM ALL WORK. THE DEVELOPER MUST PAY FOR ALL THE COSTS TO DESIGN, PERMIT, AND CONSTRUCT THE SEWER MAIN EXTENSION, INCLUDING ANY COSTS OF ACQUIRING RIGHTS-OF-WAY AND EASEMENTS, PREPARATION OF AS-BUILT PLANS, AND FOR THE DEPARTMENT TO INSPECT CONSTRUCTION OF THE SEWER MAIN EXTENSION.
- (c) ALL SEWER MAIN EXTENSIONS MUST BE SIZED FOR ADEQUATE SERVICE DURING PEAK FLOWS, AS DETERMINED BY THE DIRECTOR. THE DIRECTOR WILL DETERMINE THE NECESSARY LAYOUT OF PUBLIC SEWER MAINS.
- (d) IF PUBLIC LIFT STATIONS ARE NECESSARY DUE TO HYDRAULIC GRADE CONDITIONS THAT DO NOT ALLOW FOR GRAVITY SEWER MAINS, THE DEVELOPER MUST CONSTRUCT AT ITS OWN EXPENSE THE NECESSARY FACILITIES AND MUST MEET CITY DESIGN STANDARDS FOR THE FACILITIES.

- (e) THE PUBLIC SEWER MAIN EXTENSIONS, LIFT STATIONS AND OTHER APPURTENANCES CONSTRUCTED IN ACCORDANCE WITH THIS ARTICLE UPSTREAM OF TAP CONNECTION BECOME PART OF THE PUBLIC SEWER UPON ACCEPTANCE OF THE FACILITIES BY THE CITY FROM THE DEVELOPER. ~~No public sewer extensions shall be made until the plans and specifications are approved by both the City Engineer and the Director. Public sewer extensions shall be constructed in accordance with standards and specifications on file in the City Engineer's office. With the concurrence of the City Engineer, the Director may authorize variances from the standards and specifications.~~

Sec. 28-22. Construction and ownership of public sewer lines and other equipment maintained by Water Services Department.

(a) ~~In new subdivisions and developments where public sewers are authorized by the Planning and Development Director, such public sewers shall be constructed at the developer's expense in accordance with plans approved by the Planning and Development Director and review fees shall be paid as set forth in appendix A.2 of the City Code. Detailed plans and specifications for public sewer extensions must be approved by the Planning and Development Director prior to construction. The costs for the preparation of plans and specifications, the staking of the location of the new public sewers, the cost of inspecting the construction, the cost of acquiring rights-of-way and easements, and preparation of as-built plans shall be assumed by the developer. The City will perform the inspection during construction.~~

(b) ~~The ownership of all public sewer lines, pumping stations, treatment facilities, and equipment and other appurtenances to the sewer system maintained, or accepted for maintenance, by the Water Services Department shall be vested~~ WILL VEST EXCLUSIVELY ~~in such Department~~ THE CITY, and in no case shall WILL the owner of any premises have ~~the~~ A LEGAL OR EQUITABLE right OR INTEREST to claim any part THEREOF except where otherwise provided in this THE CITY Code.

Sec. 28-23. SEWER REPAYMENT PROGRAM FOR CLASS 1 AND CLASS 2 OFF-SITE INFRASTRUCTURE NEEDED FOR DEVELOPMENT ~~Sewer main extension policy for areas beyond present City trunk lines; establishment of a repayment program.~~

(a) THE REPAYMENT PROGRAM IS A PROGRAM THAT ALLOWS FOR THE ORDERLY AND EFFICIENT EXTENSION OF THE CITY PUBLIC SEWER SYSTEM BY ALLOWING FOR THE CONSTRUCTION OF INFRASTRUCTURE WITH CAPACITY IN EXCESS OF THE NEEDS OF A SINGLE DEVELOPMENT AND PROVIDING FOR EQUITABLE DISTRIBUTION OF THE COSTS OF THE INFRASTRUCTURE CAPACITY AND REPAYMENT TO THE ORIGINAL

DEVELOPER. THE REPAYMENT PROGRAM APPLIES TO CLASS 1 AND CLASS 2 PROJECTS.

- (1) FOR THE PURPOSES OF THIS ARTICLE, A CLASS 1 PROJECT IS AN OFF-SITE SEWER MAIN 8-INCHES OR GREATER IN DIAMETER THAT IS CONSTRUCTED BY ONE DEVELOPER AND CONNECTED TO LATER BY ONE OR MORE DEVELOPERS AND THAT DOES NOT QUALIFY AS A CLASS 2 PROJECT.
 - (2) FOR THE PURPOSES OF THIS ARTICLE, A CLASS 2 PROJECT IS A PROJECT THAT INCLUDES AN OFF-SITE SEWER MAIN 12-INCHES OR GREATER IN DIAMETER, A LIFT STATION (INCLUDING ASSOCIATED FORCE MAINS), OR A COMBINATION OF SUCH SEWER MAINS AND STATIONS, THAT MEETS ALL OF THE FOLLOWING CONDITIONS:
 - i. THE PROJECT IS CONSTRUCTED BY ONE OR MORE DEVELOPERS AND PROVIDES A BENEFIT TO A DEFINED AREA.
 - ii. ONE OR MORE ADDITIONAL DEVELOPERS WILL LIKELY DIRECTLY OR INDIRECTLY CONNECT TO THE PROJECT.
 - iii. THE INFRASTRUCTURE COSTS EXCEED \$1,000,000.00, OR THE AREA BENEFITTED BY THE PROJECT, EXCEPT FOR THE FIRST DEVELOPER'S PROPERTY, IS COMPRISED SOLELY OF STATE TRUST LAND AND THE DIRECTOR HAS AGREED TO WAIVE THE \$1,000,000.00 MINIMUM REQUIREMENT.
 - (3) FOR THE PURPOSES OF THIS ARTICLE, AN *INDIRECT CONNECTION* MEANS THAT A DEVELOPMENT IS HYDRAULICALLY BENEFITED BY, BUT IS NOT DIRECTLY CONNECTED TO, A CLASS 2 PROJECT.
 - (4) FOR THE PURPOSES OF THIS ARTICLE, *OFF-SITE INFRASTRUCTURE* MEANS INFRASTRUCTURE NECESSARY OR BENEFICIAL TO A DEVELOPMENT THAT IS NOT LOCATED ON THE PROPERTY OF THE DEVELOPMENT.
- (b) THE DIRECTOR MAY REQUIRE A DEVELOPER TO INCREASE THE CAPACITY OF OFF-SITE INFRASTRUCTURE. IF INCREASED CAPACITY IS REQUIRED, THE CITY WILL BE RESPONSIBLE FOR THE COST OF THE INCREASED CAPACITY. THE CITY'S CONTRIBUTION TO THE PROJECT WILL BE SUBTRACTED FROM THE TOTAL COSTS USED TO CALCULATE THE REPAYMENT AMOUNT THAT IS OWED TO THE DEVELOPER UNDER A REPAYMENT AGREEMENT.

- (c) THE DEVELOPER MUST EMPLOY A CIVIL ENGINEER REGISTERED IN THE STATE OF ARIZONA TO PERFORM FIELD ENGINEERING, SUBMIT DETAILED PLANS AND SPECIFICATIONS, AND SUBMIT INFORMATION ON EXISTING OR PROPOSED INFRASTRUCTURE, DEVELOPMENT PLANS, LOCAL DRAINAGE CONDITIONS AND OTHER ITEMS THAT ARE NECESSARY TO ESTABLISH THE BENEFITING AREA TO BE SERVED BY THE CLASS 2 PROJECT. THE DEPARTMENT, USING LOCAL DRAINAGE CONDITIONS AND OTHER APPROPRIATE FACTORS, WILL MAKE THE FINAL DETERMINATION OF THE AREA TO BE SERVED AND BENEFITTED BY THE CLASS 2 PROJECT. THE DEPARTMENT MUST APPROVE THE FINAL DETAILED PLANS AND SPECIFICATIONS FOR THE SEWER FACILITIES BEFORE CONSTRUCTION BEGINS. THE CONSTRUCTION MUST MEET THE CITY DESIGN STANDARDS, REQUIREMENTS, AND APPROVAL AND WILL BE SUBJECT TO INSPECTION BY THE DEPARTMENT DURING CONSTRUCTION.
- (d) DIRECT PROJECT COSTS ELIGIBLE FOR RECOVERY UNDER THE REPAYMENT PROGRAM ARE COSTS OF ENGINEERING AND DESIGN PLANS, DIRECT LABOR COSTS, SUBCONTRACT COSTS, COSTS OF MATERIALS AND EQUIPMENT INCORPORATED IN THE COMPLETED CONSTRUCTION, AND STAKING AND MATERIALS TESTING. THE DEVELOPER MUST INCLUDE ALL COST ITEMS EXCEPT THOSE RELATED TO ENGINEERING AND DESIGN PLANS, MATERIALS TESTING, AND STAKING IN THE BIDS THAT ARE SUBMITTED TO, AND REVIEWED BY, THE DEPARTMENT. THE DEVELOPER MUST SHOW ALL UNIT PRICING ON ALL BIDS. THE DEVELOPER MUST PROVIDE, AND SUBMIT TO THE DEPARTMENT FOR REVIEW, ALL COST ITEMS RELATED TO ENGINEERING AND DESIGN PLANS, MATERIALS TESTING, AND STAKING ON THE ENGINEER'S LETTERHEAD. THE CITY AND DEVELOPER WILL AGREE UPON THE ENGINEERING COSTS FOR DETERMINATION OF TOTAL CONSTRUCTION COST PRIOR TO EXECUTION OF THE REPAYMENT AGREEMENT; HOWEVER, THE ENGINEERING COSTS MAY NOT EXCEED 20 PERCENT OF THE CONSTRUCTION LOW BID. ELIGIBLE PROJECT COSTS DO NOT INCLUDE COSTS ASSOCIATED WITH TEMPORARY FACILITIES, PERMIT FEES, TAXES OR ATTORNEY'S FEES. THE DEPARTMENT MAY ALLOW ADDITIONAL DIRECT CONSTRUCTION COSTS TO BE INCLUDED IN THE TOTAL PROJECT COST; HOWEVER, THE ADDITIONAL DIRECT COSTS MAY NOT EXCEED IN THE AGGREGATE 10 PERCENT OF THE LOWEST CONSTRUCTION BID SUBMITTED. INTEREST IS NOT ELIGIBLE FOR RECOVERY UNDER THE REPAYMENT PROGRAM.
- (e) TO QUALIFY FOR A REPAYMENT AGREEMENT, THE DEVELOPER MUST SUBMIT A MINIMUM OF THREE WRITTEN SEALED BIDS FOR THE PROJECT CONSTRUCTION TO THE DEPARTMENT PRIOR TO

ACCEPTANCE OF THE PROJECT BY THE DEPARTMENT. THE CITY MAY REVIEW ALL BID SUBMISSIONS, REJECT ANY OR ALL BIDS, AND REQUIRE THAT THE PROCESS BE REPEATED USING BIDS SUBMITTED BY DIFFERENT CONTRACTORS. THE DEVELOPER MUST ENSURE THAT BIDS ADEQUATELY REPRESENT THE FULL EXTENT OF THE ANTICIPATED CONTRACT REQUIREMENTS, INCLUDING FACILITY LOCATIONS AND SIZES, SITE CONSTRAINTS, MATERIAL AND LABOR QUANTITIES. THE COSTS ELIGIBLE FOR REPAYMENT MAY NOT EXCEED THE LOWEST OF THE THREE BIDS EXCEPT THAT THE DIRECTOR MAY APPROVE REIMBURSEMENT OF ADDITIONAL COSTS THAT WOULD HAVE BEEN ELIGIBLE IF INCLUDED IN THE LOW BID BUT WERE UNFORESEEABLE WHEN THE CONTRACT WAS BID; HOWEVER, UNFORESEEN COSTS MAY NOT EXCEED IN THE AGGREGATE 10 PERCENT OF THE LOW BID.

- (f) UPON COMPLETION OF THE CLASS 1 OR CLASS 2 PROJECT AND FINAL ACCEPTANCE OF THE PROJECT BY THE DEPARTMENT, THE PROJECT BECOMES PROPERTY OF THE CITY, IS SUBJECT TO EXCLUSIVE CONTROL BY THE CITY, AND IS SUBJECT TO ALL PROVISIONS OF THIS CHAPTER. THE DEVELOPER MUST ENSURE THAT THE PROJECT IS FREE AND CLEAR OF ALL ENCUMBRANCES AND LIENS.
- (g) IF THE DIRECTOR DETERMINES THAT THE CLASS 1 OR CLASS 2 PROJECT QUALIFIES FOR THE REPAYMENT PROGRAM, THE CITY MAY ENTER INTO A REPAYMENT AGREEMENT WITH THE DEVELOPER. IN ADDITION TO OTHER APPROPRIATE TERMS AND CONDITIONS, THE REPAYMENT AGREEMENT WILL INCLUDE ALL OF THE FOLLOWING:
- (1) A JUST, EQUITABLE AND REASONABLE CHARGE TO BE PAID BY PERSONS WITHIN THE BENEFITING AREA MAKING A CONNECTION TO THE CLASS 1 OR CLASS 2 PROJECT. THE CONNECTION CHARGE WILL BE DETERMINED BY DIVIDING THE PROJECT COST BY THE MAXIMUM SERVICE AREA ACREAGE. THE MAXIMUM SERVICE AREA ACREAGE IS THE DEVELOPER'S SERVICE AREA PLUS THE BENEFITING AREA. PROJECT COSTS ASSOCIATED WITH THAT PORTION OF THE MAXIMUM SERVICE AREA THAT FALLS WITHIN THE DEVELOPER'S SERVICE AREA WILL BE EXCLUDED FROM THE TOTAL REPAYMENT AMOUNT AND ARE SOLELY THE RESPONSIBILITY OF THE DEVELOPER.
- (2) REPAYMENT AGREEMENT CHARGES WILL NOT AFFECT THE RIGHT OF THE CITY TO ASSESS ANY BUILDING PERMIT, CONNECTION FEE, OR OTHER CHARGES, FEES AND TAXES AGAINST THE OWNERS OF PROPERTY LOCATED WITHIN THE MAXIMUM SERVICE AREA OF THE PROJECT.

- (3) THE REPAYMENT AGREEMENT FOR CLASS 1 PROJECTS WILL TERMINATE 10 YEARS FROM THE DATE OF EXECUTION BY THE DEVELOPER, OR WHEN THE TOTAL REPAYMENT AMOUNT IS REPAYED, WHICHEVER OCCURS FIRST.
- (4) THE REPAYMENT AGREEMENT FOR CLASS 2 PROJECTS WILL TERMINATE 20 YEARS FROM THE DATE OF EXECUTION BY THE DEVELOPER, OR WHEN THE TOTAL REPAYMENT AMOUNT IS REPAYED, WHICHEVER OCCURS FIRST.
- (5) IN ORDER FOR THE DEPARTMENT TO RECOVER COSTS ASSOCIATED WITH THE ADMINISTRATION OF A REPAYMENT AGREEMENT, THE DEPARTMENT WILL CHARGE \$500.00 OR \$2.00 PER ACRE TIMES THE BENEFITING AREA, WHICHEVER AMOUNT IS GREATER. THE DEVELOPER MUST PAY THE CHARGE AT THE TIME OF EXECUTION OF THE REPAYMENT AGREEMENT. IN ADDITION, THE DEPARTMENT WILL RETAIN 3 PERCENT OF THE MONIES COLLECTED UNDER A REPAYMENT AGREEMENT.
- (6) ANY PERSON CONNECTING WITHIN THE BENEFITING AREA CONNECTING TO A CLASS 1 OR CLASS 2 PROJECT MUST PAY THE CONNECTION CHARGE. THE DEPARTMENT WILL REMIT THE APPROPRIATE AMOUNT TO THE PERSON ENTITLED TO RECEIVE THE PAYMENT UNDER THE REPAYMENT AGREEMENT WITHIN 90 DAYS OF RECEIPT BUT WILL RETAIN THE 3 PERCENT ADMINISTRATION FEE REFERENCED IN PARAGRAPH 5 OF THIS SUBSECTION.
- (7) IF A PROJECT IS LOCATED IN AN AREA IN WHICH SEWER IMPACT FEES ARE ASSESSED AND THE FACILITY IS ELIGIBLE FOR CREDIT AGAINST FEES, THE DEVELOPER WILL ONLY RECEIVE CREDIT AGAINST IMPACT FEES FOR THAT PROPORTION OF THE PROJECT COST THAT THE REPAYMENT AGREEMENT ALLOCATES TO THE DEVELOPER. THE DEVELOPER MAY NOT BE REPAYED FOR PROJECT COSTS FOR WHICH IMPACT FEE CREDITS WERE ISSUED.
- (8) IN CERTAIN SITUATIONS, IT MAY BE DESIRABLE FOR THE DEVELOPER TO INCREASE ITS PROPORTION OF THE PROJECT COST TO INCREASE ITS SHARE OF IMPACT FEE CREDITS. THE DEVELOPER MAY REQUEST THAT THE CONNECTION CHARGES IN THE BENEFITING AREA BE REDUCED SO THAT THE TOTAL PROPORTION OF COST ATTRIBUTABLE TO THE DEVELOPER IS INCREASED. AT THE SOLE DISCRETION OF THE DIRECTOR, A REDUCTION IN CHARGES MAY BE PERMITTED, AND IF

IMPLEMENTED, WILL BE APPLIED UNIFORMLY TO ALL BENEFITING
AREAS IN THE REPAYMENT AGREEMENT.

~~(a) — The repayment program only applies to projects that are Class 1 or Class 2 projects. A Class 1 project means the installation of a sewer main that is eight inches or greater in diameter that will serve multiple properties or developments. A Class 2 project means the installation of a sewer main that is 12 inches or greater in diameter or a lift station (including associated force mains) (or a combination of such sewer mains and lift stations) that is: A constructed by one or more developers and provides a benefit to a defined area; B at a later date is directly or indirectly connected to by one or more developers; and C the infrastructure costs exceed \$1,000,000.00. The City may grant an exception to requirement "C" if the benefited area, minus developer's property, is comprised exclusively of State trust land. An indirect connection is defined as one which is hydraulically benefited by, but is not directly connected to, the Class 2 project.~~

~~(b) — The City reserves the right to increase the capacity of the off-site infrastructure if it deems the increase necessary to serve the surrounding area. Under this condition, the City will be responsible for the cost of the increased capacity. The City's contribution to the project will be removed from the total costs used to calculate the repayment amount that is owed to the developer of the Class 1 or Class 2 project.~~

~~(c) — The developer is required to employ a civil engineer registered in the State of Arizona to perform field engineering, submit detailed plans and specifications, and submit information on existing or proposed infrastructure, development plans, local drainage conditions, and other items that are deemed necessary by the City to establish the benefiting area to be serviced by the Class 1 or Class 2 project. The City, using local drainage conditions and other factors it deems appropriate, shall make the final determination of the benefiting area to be serviced by the Class 1 or Class 2 project. The final detailed plans and specifications for the main sewer extension and any associated off-site major wastewater facilities must be approved by the City before construction begins. The construction must meet City specifications, requirements, and approval and will be subject to inspection by the City during construction.~~

~~(d) — The developer will be responsible for furnishing and installing to City specifications all branch and lateral sewers, including manholes, within new subdivisions, shopping centers, industrial tracts, or similar developments. The costs of designing, staking, and constructing these branch and lateral sewers are not eligible for recovery under the repayment program.~~

~~(e) — Direct project costs eligible for recovery under the repayment program are costs of engineering and design plans, direct labor costs, subcontract costs, costs of materials and equipment incorporated in the completed construction, and staking and materials testing. All cost items except those related to engineering and design plans, materials~~

testing, and staking must be included in the bids that are submitted to, and reviewed by, the City. Unit pricing must be shown on all bids. Eligible project costs do not include costs associated with temporary facilities, permit fees, taxes, or attorney's fees. At its discretion, the City may include additional direct costs in the total project cost, but in no event shall the direct costs exceed ten percent of the construction low bid.

(f) The developer is responsible for all costs associated with the engineering, design, and construction of the Class 1 or Class 2 project. Design and construction of the facilities must be in accordance with the City's design standards, procedures, policies and practices, and final detailed plans, and specifications for a Class 1 or Class 2 project must be approved by the City prior to construction.

(g) In order to qualify for a repayment agreement, the developer shall submit a minimum of three written sealed bids for the construction of the project to the City prior to acceptance of the project by the City. The City reserves the right to review all bid submissions, to reject any or all bids, and if necessary, to require that the process be repeated using bids submitted from different contractors. It is the responsibility of the developer to ensure that bids adequately represent the full extent of the anticipated contract requirements, including facility locations and sizes, site constraints, material, and labor quantities. Unit pricing must be shown on all bids. The costs eligible for repayment may not exceed the lowest of the three bids except that, in its discretion, the City may approve reimbursement of additional costs that would have been eligible if included in the low bid but were unforeseeable when the contract was bid, provided in no event will such unforeseen costs exceed in the aggregate ten percent of the low bid.

(h) Upon completion of the Class 1 or Class 2 project by the developer and acceptance of the project by the City, the project shall become the property of the City, free and clear of any encumbrances and liens.

(i) The City shall have exclusive control of connections to the Class 1 or Class 2 project, and all provisions of the City Code, as may be amended, applicable to sewer service and charges inside and outside City boundaries shall apply. If the City determines that the Class 1 or Class 2 project qualifies for admission to the repayment program, then the City shall enter into a repayment agreement with the developer. The repayment agreement will include the following, in addition to those terms and conditions deemed appropriate by the City:

(1) A just, equitable, and reasonable charge to be paid by persons or entities within the benefiting area making a connection to the Class 1 or Class 2 project. The connection charge will be determined by dividing the Class 1 or 2 project cost by the maximum service area acreage (the developer's service area plus the benefiting area). Project costs associated with that portion of the maximum service

~~area that falls within the developer's service area are solely the responsibility of the developer.~~

~~(2) The connection charge will be paid to the City from any person or entity within the benefiting area connecting to the project. Once collected, the City within 90 days of receipt will remit the appropriate amount to the developer or the person entitled to receive such payment. In no event shall the total repayment amount provided to the developer exceed 97 percent of that portion of the construction cost of the Class 1 or Class 2 project that is allotted to the benefiting area acreage outside of the developer's service area.~~

~~(3) Repayment agreement charges will not affect the right of the City to assess any building permit, connection fee (sewer tap), sewer service or other charges, fees, and taxes against the owners of property located within the maximum service area.~~

~~(4) The repayment agreement for Class 1 projects shall terminate in ten years from signing by the developer, or when the total repayment amount is repaid, whichever occurs first.~~

~~(5) The repayment agreement for Class 2 projects shall terminate in 20 years from signing by the developer, or when the total repayment amount is repaid, whichever occurs first. Provided the developer has complied with subsection (e) of this section regarding sealed bids, a repayment agreement for a Class 2 project may be executed on or within 180 days of acceptance of the project by the City. Further, if subsection (e) of this section has been complied with, permits may be issued for a Class 2 project for which a repayment agreement will be sought.~~

~~(6) In order for the City to recover costs associated with the administration of a repayment agreement, a charge of \$500.00 or \$2.00 per acre times the benefiting area, whichever amount is greater, shall be paid by the developer at the time of his signing of the repayment agreement. In addition, the City is entitled to keep three percent of the monies collected under a repayment agreement, and will deduct this amount from all connection charges it receives prior to remitting the balance to the developer or the person entitled to receive the payment.~~

~~(7) If a project is located in an area in which wastewater impact fees are assessed and the developer is eligible to apply impact fee credits against costs, the developer will only receive credits against costs for that proportion of the project cost that the repayment agreement allocates to the developer. In no event will the developer be repaid for project costs for which impact fee credits were issued.~~

~~(8) — In certain situations, it may be desirable for the developer to increase its proportion of the project cost to increase its share of impact fee credits. The developer may request that the connection charges in the benefiting area be reduced so that the total proportion of cost attributable to the developer is increased. At the sole discretion of the Water Services Department, such a reduction in charges may be permitted, and if implemented, shall be applied uniformly to all benefiting areas in the repayment agreement.~~

Sec. 28-24. RESERVEDSewer extensions in advance of a sewer assessment district.

~~The sewer extension policy provisions of the City in regard to sewer installations in advance of sewer assessment districts and the policy to be followed in connection therewith shall be, and the same is hereby, declared to be as follows:~~

~~(a) — At the option of the developer of an individual parcel of land or of subdivision, he may apply for payment of the sewer line or lines necessary to connect his development to a trunk sewer. He may also apply for payment of the sewer lines within his development.~~

~~(b) — In order to qualify for payment, the sewer lines to be installed must be usable by a future assessment district, and the developer must sign an agreement whereby the assessable area of any parcel or parcels immediately adjacent to and served by such lines will be included in the assessment district and will receive an assessment for which the developer will be liable, regardless of whether he sells part or all of the property to be assessed.~~

~~(c) — The developer shall pay all construction costs, including engineering services. The design, location, and construction must be approved by the City, and a permit must be secured from the City Engineer. The contractor shall be duly licensed.~~

~~(d) — The sewer lines installed by the developer will be held in trust by the City for sale to a special assessment district in the City. The agreed construction cost, not exceeding the actual cost for the lines, will be written into the construction bid as a lump sum item and will become part of the construction cost for the special assessment district.~~

~~(e) — The property owners adjacent to lines installed by the developer can connect to these lines by signing an agreement, which will be recorded, to accept an assessment in the assessment district.~~

~~(f) — If the developer desires to enter into private agreements with adjacent property owners in which they agree to share his cost for the privilege of~~

~~connecting to the sewer lateral, he may do so, but these property owners will still be required to sign an agreement with the Water Services Department in which they agree to accept an assessment in the assessment district.~~

~~(g) There will be only one purchase agreement for each project. No attempt will be made to negotiate with more than one party, regardless of how many are sharing the cost.~~

~~(h) Payment will be made at the completion of the assessment district or at the time that assessments become payable.~~

Sec. 28-25. Private sewerage systems—Construction and maintenance within City prohibited generally.

Except as EXPRESSLY provided in this chapter, it shall be ~~is~~ unlawful to construct or maintain within the City OR AN AREA OF THE CITY JURISDICTION A PRIVATE SEWER SYSTEM, INCLUDING any privy, privy vault, septic tank, cesspool, ONSITE WASTEWATER TREATMENT SYSTEM, or other facility intended or used for the disposal of sewage.

Sec. 28-26. Private sewerage systems—When LIMITED INSTANCES permitted; to be constructed and maintained in sanitary manner.

~~Where a public sanitary sewer is not available within the City, or in any area under the jurisdiction of the City, the building sewer shall be connected to a private sewage disposal system, complying with the provisions and recommendations of the Arizona Department of Health Services and the Sanitary Code of the County Health Department. Such private sewage disposal system shall be constructed, maintained, and operated at all times in a sanitary manner~~ONLY IN THOSE LIMITED INSTANCES IN WHICH THERE IS NO PUBLIC SEWER AVAILABLE TO CONNECT TO MAY A HOME OR BUILDING LOCATED WITHIN THE CITY OR AN AREA OF THE CITY'S JURISDICTION CONNECT TO A PRIVATE SEWER SYSTEM. THE PRIVATE SEWER SYSTEM MUST BE DESIGNED, INSTALLED, MAINTAINED, AND OPERATED OR USED AT ALL TIMES IN STRICT CONFORMANCE WITH STATE AND COUNTY PRIVATE SEWER SYSTEM REQUIREMENTS. WHEN A PUBLIC SEWER BECOMES AVAILABLE FOR CONNECTION, THE HOME OR BUILDING MUST DISCONTINUE ITS USE OF THE PRIVATE SEWER DISPOSAL SYSTEM AND CONNECT TO THE PUBLIC SEWER.

ARTICLE IV. CONNECTIONS TO PUBLIC SEWERS AND CHARGES

Sec. 28-27. Permit required.

No ~~unauthorized person shall~~MAY uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a ~~written permit from the Water Services Department.~~ INDUSTRIAL USERS MUST OBTAIN A PERMIT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE VI OF THIS CHAPTER.

Sec. 28-27.1. TEMPORARY DISCHARGE AUTHORIZATION REQUIRED.

(a) USERS INTENDING TO DISCHARGE THE FOLLOWING TO THE SEWER SYSTEM FOR A DURATION NO GREATER THAN ONE MONTH MUST SUBMIT A TEMPORARY DISCHARGE AUTHORIZATION REQUEST FORM TO THE DEPARTMENT AT LEAST 10 DAYS PRIOR TO START OF THE PROPOSED DISCHARGE:

- (1) INDUSTRIAL WASTEWATER;
- (2) CHILLER WATER;
- (3) DISTRIBUTION SYSTEM MAINTENANCE AND DEVELOPMENT WATER;
- (4) POTENTIALLY CONTAMINATED REMEDIATED GROUNDWATER; OR
- (5) STORMWATER.

(b) ANY REQUEST FOR A TEMPORARY DISCHARGE AUTHORIZATION MUST CONTAIN THE INFORMATION SPECIFIED IN THE REQUEST FORM AND MAY REQUIRE:

- (1) RESULTS OF ANY TESTING REQUIRED TO CHARACTERIZE THE PROPOSED DISCHARGE COLLECTED AND ANALYZED IN ACCORDANCE WITH SECTION 28-44.3; AND
- (2) ANY ADDITIONAL INFORMATION REQUIRED BY THE DIRECTOR TO DETERMINE THE POTENTIAL OF THE PROPOSED DISCHARGE TO IMPACT THE POTW.

(c) TEMPORARY DISCHARGE MAY NOT BEGIN PRIOR TO RECEIVING TEMPORARY DISCHARGE APPROVAL FROM THE DIRECTOR.

(d) AT THE CONCLUSION OF THE DISCHARGE, THE DIRECTOR MAY REQUIRE THE USER TO REPORT:

- (1) THE ACTUAL DISCHARGED VOLUME; AND
- (2) THE RESULTS OF ANY TESTING REQUIRED TO CHARACTERIZE THE ACTUAL DISCHARGE COLLECTED AND ANALYZED IN ACCORDANCE WITH SECTION 28-44.3.

(e) TEMPORARY DISCHARGE USERS MAY INCUR SEWER CHARGES IN ACCORDANCE WITH RATES IN ARTICLE V OF THIS CHAPTER FOR DISCHARGES GREATER THAN 5,000 GALLONS.

Sec. 28-28. Application for sewer tap; sewer dye test.

(a) ~~Each~~A person making application for a sewer tap shallMUST present a valid plumbing permit issued by the ~~City Building Official~~PLANNING AND DEVELOPMENT DIRECTOR, or his authorized representative, to the Water Services Department as a prerequisite for the approval of the requested sewer tap. All applications for sewer taps to be constructed by the ~~Water Services Department~~ shallWILL include a fee of ~~ninety-five dollars~~\$95 for each sewer tap.

(b) A customer who has been connected to the public sewer and questions whether a sewer tap is in service may apply to the ~~Water Services Department~~ for a sewer dye test to be performed. The sewer dye test shallWILL be performed by the ~~Water Services Department~~ when the customer has paid a fee of ~~fifty dollars~~\$50 to cover the costs of the test. If the test shows that the sewer tap is not in service, the ~~fifty dollar~~\$50 fee shallWILL be refunded to the customer.

Sec. 28-29. Planning and Development Director to approveAPPROVAL OF design, quantity, location, size and construction of sewer servicesCONNECTIONS.

(a) The design, quantity, location, method of connection and size of all sewer taps shall beS subject to the approval of the Director. The ~~Water Services Department~~ will install all sewer taps less than eight inches in diameter, except as provided elsewhere in this chapter. All sewer CONNECTIONS taps eight inches in diameter or larger shallWILL be installed by a private contractor in accordance with plans approved by the Planning and Development Director. Review fees shallWILL be paid as set forth in appendix A.2 of the City Code. Sewer taps shallMAY be connected to public sewers only, unless specifically authorized and approved by the Director.

(b) ~~Where property borders public right-of-way or public easements containing a serviceable City of Phoenix wastewater main, such property,~~PROPERTY when developed, shallMUST be connected to the City of Phoenix wastewater SEWER system. Sewer taps shallMUST extend at right angles from the main SEWER to the property line and shallMUST be installed in accordance with the CITY DESIGN STANDARDS~~most current edition of the Maricopa Association of Governments uniform standard specifications and details for public works construction and the City of Phoenix supplementals to Maricopa Association of Governments standard specifications and details.~~

(c) Permits for sewer taps will not be granted, ~~or~~AND may be revoked, when the lateral sewer passes through property which at the time is or may become, the property of persons other than the owner of the property to be served from such connection.

(D) A SEWER TAP MAY NOT BE LAID IN A WATER LINE TRENCH OR WITHIN SIX FEET OF A WATER LINE TRENCH.

Sec. 28-30. Special provisions for installing sewer taps in new subdivisions and developments.

In new subdivisions or developments where public sewer extensions are authorized by the City and constructed at the developer's expense, the City may authorize the developer or his ITS agent, ~~if he so desires,~~ to install sewer taps with wyes or tees and connect the lateral sewers to the building connection under the following provisions:

~~A.~~(a) The construction of the public sewer, sewer taps, and connections of the lateral sewer to the sewer tap ~~shall~~MUST be under the supervision of a registered civil engineer holding registration in the ~~S~~state, who ~~shall~~MUST submit "as-built plans," bearing the registered civil engineer's registration seal and number, to the ~~Planning and Development Department~~.

(b) ~~It shall be the duty of the developer to require that all sewer taps serving lots in the development upon which no buildings are constructed, be effectively sealed until such time as buildings will be constructed on the lots left vacant. Such sealed connections shall~~IS THE DEVELOPER'S RESPONSIBILITY ~~shall~~MUST be inspected and approved by the Planning and Development Department before being backfilled and ~~shall~~MUST be designated and located on the "as-built plans." The effective seal ~~shall~~MUST consist of a vitrified clay stopper inserted in the bell of the sewer extending to the property line from the public sewer; such stopper ~~shall~~MUST be jointed according to City of Phoenix DESIGN standards ~~detail specification of such work.~~ The stopper ~~shall~~MUST be permanently flagged by attaching one end of a length of copper wire to the stopper and the other end to a broken piece of clay pipe, which ~~shall~~MUST be placed under the solid surface directly over the end of a sewer pipe.

~~B.~~(c) Before any building sewer construction is commenced, plumbing permits must be obtained by the developer or his ITS agent from the ~~Building Official~~PLANNING AND DEVELOPMENT DIRECTOR.

~~C.~~(d) When the "as-built plans" are submitted, the ~~Water Services Director~~DEPARTMENT will make a record of the sewer taps.

D.(e) The Planning and Development Director will collect a fee as set forth in appendix A.2 of the City Code

Sec. 28-31. Records to be kept by Water Services Department.

The ~~Water Services Department shall~~WILL keep a record of all sewer taps made, [and] the purpose for which they TAPS are to be used, together with the name of the owner of the property, his agent or representative.

Sec. 28-32. Installation of sewer taps.

The installation of sewer taps ~~eight~~8 inches or less ~~will be~~IS the responsibility of the ~~Water Services Department~~. The ~~contractor/~~developer will be responsible for the excavation to and the uncovering of the City's ~~sanitary~~ sewer main. All excavation and trenching ~~shall~~WILL be PERFORMED in accordance with the latest regulationS of the Occupational Safety and Health Administration. The ~~contractor~~DEVELOPER ~~shall~~MUST notify the ~~Water Services Department~~ at least ~~forty-eight~~48 hours in advance for the required sewer taps. Department ~~employees~~REPRESENTATIVES will be prohibited from entering any excavation or trench not meeting the safety requirement of any applicable ~~City, State~~ or federal regulations. Upon completion of the installation of the sewer tap, the ~~contractor/~~developer will be responsible for backfilling the trench and restoring the surface to its original condition or as shown on the approved engineering plans. All sealed connections ~~shall~~MUST be inspected and approved by the ~~City Engineer~~PLANNING AND DEVELOPMENT DEPARTMENT prior to being backfilled in accordance with ~~Section~~§28-30(a).

Sec. 28-33. Reserved

ARTICLE V. SEWER SERVICE CHARGES

Sec. 28-34. Method of developing sewer service charges.

The user charge portion of the total sewer service charge ~~shall be~~IS developed byUSING the following methodology.

(a) The following formulas ~~shall be~~ARE used to develop the various elements of the user charge portion of the sewer service charge.

(1) A treatment plant charge (T) will be made to all customers on the basis of flow and strength of sewage discharged. ~~It shall be~~ AND IS calculated as follows:

$$\text{Flow Rate} = \frac{\text{Total Flow Costs}}{\quad}$$

$$\text{BOD Rate} = \frac{\text{Total BOD Costs}}{\frac{\text{Total Gallons of Flow Treated}}{\text{Pounds of BOD Treated}}}$$

$$\text{Suspended Solids Rate} = \frac{\text{Total ISS Costs}}{\frac{\text{Total Pounds of ISS Treated}}{\text{T}}}$$

$$\text{T} = \text{User's Gallons X Flow Rate} + \text{User's BOD X BOD Rate} + \text{User's ISS X ISS Rate}$$

(2) A sewer maintenance charge (S) will be made to all customers using the City's sewer system and will be calculated as follows:

$$S = \text{User's Gallons} \times \frac{\text{Total Cost of Sewer Maintenance}}{\text{Total Gallons of Flow}}$$

(b) The elements of THE charge developed in section 28-35(a) shall be ARE applied to the various customer classifications as follows:

(1) Customers connected to THE City of Phoenix SEWER collection system:

$$\text{User Charge} = T + S$$

(2) Other cities using the treatment facilities but not connected to THE City's PUBLIC SEWER of Phoenix collection system:

$$\text{User Charge} = T$$

Sec. 28-35. Determination of sewage quantity DISCHARGE VOLUME.

(a) Calculation of CUSTOMER sewage flow shall be DISCHARGE VOLUME IS based upon the following proportion of metered water consumption each year.

(1) Eighty percent of the average monthly water VOLUME billed during the preceding A RELEVANT PRIOR January, February, and March multiplied by the SFSF described in section 28-35(a)(8) shall represent S sewage flow DISCHARGE VOLUME for single-family residential customers.

a. THE "WINTER QUARTER AVERAGE" OR "WQA" IS A CALCULATED ESTIMATE OF EACH USER'S MONTHLY WATER VOLUME USE DURING THE MONTHS OF JANUARY, FEBRUARY, AND MARCH OF A RELEVANT PRIOR FISCAL YEAR. WQA'S ARE RECALCULATED ANNUALLY. THE RECALCULATED WQA BECOMES EFFECTIVE ON THE FIRST DAY OF THE NEW FISCAL YEAR (JULY 1) AND REMAINS IN EFFECT UNTIL THE LAST DAY OF THAT FISCAL YEAR (JUNE 30).

(2) If the Director determines that adequate water meter information is not available for billing a residential customer as described above, then the customer will be charged the average monthly SEWER billing for that user class.

(3) Eighty-five percent of the average monthly water VOLUME billed during the preceding A RELEVANT PRIOR January, February, and March multiplied by the SFSF described in section 28-35(a)(8) shall represent S sewage flow DISCHARGE VOLUME for all multifamily residential customers and all commercial customers with the exception of self-service laundries and ice producers.

(4) Eighty-five percent of the monthly water meter reading multiplied by the SFSF described in section 28-35(a)(8) shall represent S sewage flow DISCHARGE VOLUME for self-service laundries.

(5) Fifty percent of the average monthly water VOLUME billed during the preceding A RELEVANT PRIOR January, February, and March multiplied by the SFSF described in section 28-35(a)(8) shall represent S sewage flow DISCHARGE VOLUME for ice producers.

(6) If the Director determines that adequate water meter information is not available TO CALCULATE SEWAGE DISCHARGE VOLUME for billing a commercial customer as described above, then the customer's ESTIMATED SEWAGE DISCHARGE VOLUME will be charged a bill estimated BASED on the basis of METERED water used by a similar sized commercial customer in the same user class.

(7) Each industrial customer will be considered as a separate user class and the Director shall WILL determine the individual factors to be applied to the monthly water meter reading to determine the monthly sewage flow DISCHARGE VOLUME.

(8) Estimated sewage flow DISCHARGE VOLUME for all customers other than industrial customers will be S further adjusted by a sewer flow stabilization factor (SFSF). The SFSF is a factor that adjusts the current billed sewer flows (from the preceding A RELEVANT PRIOR January, February, and March water consumption

or monthly water consumption) to reflect sewer flow used to develop the sewer rates. The SFSF is calculated as follows:

$$\text{SFSF} = \frac{\text{Billed water consumption per account other than industrial customers used for sewer rates}}{\text{Current billed sewer flow per account from water consumption other than industrial customers}}$$

~~(b) Other cities will be billed on the basis of their sewer meter reading, with changes in rates effective July 1 each year.~~

~~(c) All users for which the water supply is from other suppliers of water may furnish to the~~THE Director MAY RELY ON either a certified meter reading of water delivered, or a copy of the billings from the water supplier, FOR USERS THAT RECEIVE WATER FROM A SUPPLIER OTHER THAN THE CITY. The Director ~~shall have~~HAS the exclusive authority to determine the adequacy of this information and request additional documentation or tests if The DIRECTOR finds the information supplied IS inadequate TO ESTABLISH THE VOLUME OF WATER SUPPLIED TO THE USER'S PROPERTY. If the Director finds the information adequate, the user's SEWER charges will be calculated and the same conditions will apply as if the City were the supplier of water to the user.

~~(d) Upon approval of the Director, any individual user may, at his own~~THE USER'S expense and subject to the regulations of the Department, install a separate WATER meter ~~in order to determine the quantity of water actually entering the sewer system and future sewer charges shall be limited to that water actually entering the sewer system as so determined by the Director~~ON A LINE FROM WHICH WATER DOES NOT ENTER THE SEWER SYSTEM. THE CALCULATION OF THAT USER'S SEWAGE DISCHARGE VOLUME WILL NOT ACCOUNT FOR THE METERED WATER DELIVERED TO THIS WATER LINE.

(d) SEWAGE DISCHARGE VOLUME ADJUSTMENT. CUSTOMERS THAT HAVE THEIR SEWAGE DISCHARGE VOLUME CALCULATED BASED ON A PROPORTION OF METERED WATER SUPPLIED TO THEM IN JANUARY, FEBRUARY, AND MARCH MAY REQUEST THAT THE DEPARTMENT DECREASE THE SEWAGE DISCHARGE VOLUME USED TO CALCULATE THEIR ANNUAL SEWER CHARGE PROVIDED ALL OF THE FOLLOWING:

(1) THE CUSTOMER EXPERIENCED EVENTS OR CIRCUMSTANCES AT ITS PROPERTY IN THE WQA MONTHS—E.G. POOL FILLING, WATER LINE

LEAK, EXTRAORDINARY IRRIGATION OR LANDSCAPE WATERING—THAT RESULTED IN THE AMOUNT OF ITS ACTUAL DISCHARGE TO THE SEWER BEING LESS THAN THE SEWAGE DISCHARGE VOLUME CALCULATED BY THE DEPARTMENT AND SET FORTH IN THE CUSTOMER'S JULY SEWER BILL:

(2) THE CUSTOMER SUBMITS A WRITTEN SEWAGE DISCHARGE VOLUME ADJUSTMENT REQUEST ON A FORM AVAILABLE FROM THE DEPARTMENT AND THAT REQUEST IS RECEIVED BY THE DEPARTMENT NO LATER THAN 60 DAYS FROM THE DATE OF THE CUSTOMER'S JULY SEWER BILL; AND

(3) THE CUSTOMER SUBMITS DOCUMENTATION OR INFORMATION WITH ITS REQUEST THAT THE DEPARTMENT MAY RELY ON TO VERIFY THE CUSTOMER EXPERIENCED THE EVENTS OR CIRCUMSTANCES REPORTED AND THOSE WARRANT A DECREASE IN THE SEWAGE DISCHARGE VOLUME USED TO CALCULATE THE CUSTOMER'S ANNUAL SEWER CHARGE.

(e) THE DEPARTMENT'S WRITTEN DECISION ON THE REQUEST FOR A SEWAGE VOLUME DISCHARGE ADJUSTMENT IS A DETERMINATION ON A DISPUTED CHARGE UNDER PHOENIX CITY CODE SECTION 37-95(A), WHICH THE CUSTOMER MAY REQUEST ADMINISTRATIVE REVIEW OF PURSUANT TO SECTIONS 37-95(B) and (C). ~~If within sixty days of a new sewer charge being established, a customer files a written complaint with the Director alleging that a significant portion of his water use does not enter the sewer system, the Director, in accordance with written appeals procedure, will provide an opportunity for the customer to present his supporting documentation to an employee designated by the Director to hear complaints.~~

~~(f) The Director shall have the authority to investigate and evaluate customer complaints and appeals from billing decisions of his subordinates and may correct such billing to reflect what in his opinion the correct billing should be, where he finds that a meter has been misread or some other obvious billing error has occurred. If the Director determines that a significant amount of water was used during the winter months for lawns, shrubbery or other non-sewer purposes, he shall have the authority to make a corresponding reduction in the sewer billing on subsequent billings only.~~

Sec. 28-36. Determination of wastewater quality.

~~(a) The Director or his designee shall have the authority to~~ MAY make whatever tests are necessary to carry out a planned sampling program and to make whatever analyses are needed for all commercial and industrial users. The BOD test shall be IS considered

the standard test; however, COD or TOC tests may be substituted in cases where ~~it has been determined by the Director~~ DETERMINES that the BOD test is not representative of actual wastewater loading. Wastewater characteristics ~~shall be~~ ARE determined by the Department on the basis of monitored wastewater discharged, a certified statement from the user, or on the best available data as to the characteristics of such discharges.

(b) Any change in the ongoing process(es) employed by a user contributing commercial or industrial waste ~~which~~ THAT results in a variation of more than ~~twenty-five~~ 25 percent in one or more of the effluent loading concentrations ~~shall~~ MUST be reported BY THE USER to the ~~Department~~ DIRECTOR within ~~thirty~~ 30 days of said IMPLEMENTING THAT change.

(c) ~~If it is determined~~ THE DIRECTOR DETERMINES through testing that a significant variation exists between the user's certified data and the discharge characteristics monitored by the Department, the ~~City~~ DIRECTOR may adjust the sewer use charge based on the monitored data from the original date of certification, unless written communication ~~has occurred~~ WAS RECEIVED FROM THE USER notifying the ~~Department~~ DIRECTOR of changes in loading and giving specific dates of THE changes.

(d) *Designated discharge.* Where sampling and gauging of specific user DISCHARGE is not practical for physical, economic, safety, or other reasons, the Director may designate values for concentrations of the wastes discharged into the sewerage system for all users in the same ~~S~~ standard ~~I~~ industrial ~~C~~ classification or subclassification.

Sec. 28-37. Other user charge provisions.

(a) *Biennial review.* The Director will review, not less often than every ~~two~~ 2 years, the wastewater contribution of users and user classes, the total costs of operation and maintenance of the ~~treatment works~~ POTW, and ~~its~~ THE DEPARTMENT'S approved user charge system. The Director ~~shall~~ MAY at such time recommend TO THE CITY COUNCIL a revision in the sewer service charge and user classes to accomplish the following:

- (1) Maintain a reasonable proportionate distribution of operation and maintenance costs among users and user classes;
- (2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the ~~treatment works~~ POTW; and

(3) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

(b) *Notification of users.* Each user will be notified, at least annually, in conjunction with a regular bill, of the user charge rate and that portion of the total charges ~~which~~THAT are attributable to user charges.

(c) *Inconsistent agreements.* The user charge system set forth in this chapter is applicable to all agreements or contracts between the City and users including industrial users, other municipalities, STATE, or federal agencies or installations, and the terms of this ordinance ~~shall take~~HAVE precedence over any such agreements or contracts ~~which~~THAT are inconsistent with the requirements of this ordinance CHAPTER.

(d) *Wastewater treatment byproducts.* All revenue from the sale of treatment-related byproducts ~~shall~~WILL be used to offset the cost of operation and maintenance OF THE POTW. User charges ~~shall~~WILL be proportionally reduced for all users. Total annual revenues received from the sale of a byproduct ~~shall~~WILL be credited to the ~~treatment works~~POTW O&M OPERATION AND MAINTENANCE cost no later than the fiscal year immediately following their receipt.

Sec. 28-38. Other sewer service charges.

In addition to the user charges described herein, the rate schedules ~~shall~~WILL be sufficient to cover the following costs:

(a) A portion of the annual debt service costs for retirement of ~~sanitary sewer~~ bonds will be charged to all customers served directly by the POTW~~City's wastewater collection system~~. The Director of ~~Water Services Department~~ ~~shall~~WILL make recommendations to the City Council at least once every ~~two~~2 years ~~as to how these costs shall~~SHOULD be proportioned among the users. Charges to recover these costs will be called "other charges."

(b) Adequate reserve funds to allow for reasonably expected increases in the cost of providing services will be charged to all customers served directly by the POTW~~City's wastewater collection system~~. The Director of ~~the Water Services Department~~ ~~shall~~WILL make recommendations to the City Council as to the amount of reserve funds necessary and ~~as to how these funds shall~~SHOULD be proportioned among the users.

(c) The costs of billing and collection and performing industrial waste COLLECTION AND TREATMENT services ~~shall~~WILL be charged to customers on an equitable basis. The Director of ~~the Water Services Department~~ ~~shall~~WILL

make recommendations to the City Council as to how these costs shall ~~SHOULD~~ be proportioned among the users. Charges to recover these costs will be called "billing and collection charges" and "industrial waste charges" respectively.

Sec. 28-39. Sewer service rates and charges within and without the City.

(a) There shall ~~shall~~ WILL be charged the following monthly service rate or charge for customers receiving City of Phoenix sewer service inside the limits of the City of Phoenix:

1. *Residential Users:* Rate per hundred cubic feet of sewage discharged.

USER CATEGORY	Sewer User Rate EFFECTIVE March 1, 2016, to February 28, 2017	Sewer Other Rate EFFECTIVE March 1, 2016, to February 28, 2017	Total Sewer Service Rate EFFECTIVE March 1, 2016, to February 28, 2017
Single-Family Residence	\$0.8359	\$1.5922	\$2.4281
Multi-Family Residence and Trailer Courts	\$0.8359	\$1.5922	\$2.4281
USER CATEGORY	Sewer User Rate EFFECTIVE March 1, 2017, to February 28, 2018	Sewer Other Rate EFFECTIVE March 1, 2017, to February 28, 2018	Total Sewer Service Rate EFFECTIVE March 1, 2017, to February 28, 2018
Single-Family Residence	\$0.8708	\$1.6026	\$2.4734
Multi-Family Residence and Trailer Courts	\$0.8708	\$1.6026	\$2.4734

2. *Commercial and Public Users:* Rate per hundred cubic feet of sewage discharged.

USER CATEGORY	Sewer User Rate March 1, 2016, to February 28, 2017	Sewer Other Rate March 1, 2016, to February 28, 2017	Total Sewer Service Rate March 1, 2016, to February 28, 2017	
<i>Commercial</i>				
- Domestic Strength				
-	Without Dining Facilities	\$0.7374	\$1.4269	\$2.1643
-	With Dining Facilities	\$0.9115	\$1.7083	\$2.6198
Laundries/Commercial		\$1.5137	\$2.6283	\$4.1420
Mortuaries		\$1.3561	\$2.2804	\$3.6365
Restaurants and Bakeries				
-	Without Dining Facilities	\$1.7572	\$3.0255	\$4.7827
-	With Dining Facilities	\$1.8596	\$3.1933	\$5.0529
<i>Public</i>				
Federal Buildings				
-	Without Dining Facilities	\$0.7160	\$1.3752	\$2.0912
-	With Dining Facilities	\$0.8538	\$1.6137	\$2.4675
<i>All Other Public</i>				
	Without Dining Facilities	\$0.7160	\$1.3752	\$2.0912
	With Dining Facilities	\$0.8538	\$1.6137	\$2.4675
USER CATEGORY	Sewer User Rate <u>EFFECTIVE</u> <u>VE</u> March 1, 2017, to February 28, 2018	Sewer Other Rate <u>EFFECTIVE</u> March 1, 2017, to February 28, 2018	Total Sewer Service Rate <u>EFFECTIVE</u> <u>VE</u> March 1, 2017, to February 28, 2018	
<i>Commercial</i>				

USER CATEGORY	Sewer User Rate	Sewer Other Rate	Total Sewer Service Rate
	<u>EFFECTIVE</u>		<u>EFFECTIVE</u>
	<u>VE</u>		<u>VE</u>
	March 1, 2017, to February 28, 2018	March 1, 2017, to February 28, 2018	March 1, 2017, to February 28, 2018
Domestic Strength			
	Without Dining Facilities	\$0.7655	\$1.4430
	With Dining Facilities	\$0.9513	\$1.7110
	Laundries/Commercial	\$1.5931	\$2.5686
	Mortuaries	\$1.4238	\$2.2052
Restaurants and Bakeries			
	Without Dining Facilities	\$1.8529	\$2.9483
	With Dining Facilities	\$1.9622	\$3.1088
Public			
Federal Buildings			
	Without Dining Facilities	\$0.7423	\$1.3881
	With Dining Facilities	\$0.8897	\$1.6204
All Other Public			
	Without Dining Facilities	\$0.7423	\$1.3881
	With Dining Facilities	\$0.8897	\$1.6204

3. *Industrial Users: Rates.*

USER CATEGORY	Sewer User Rate March 1, 2016, to February 28, 2017	Sewer Other Rate March 1, 2016, to February 28, 2017	Total Sewer Service Rate March 1, 2016, to February 28, 2017
Charge per Hundred Cubic Feet (CCF) of Sewage Discharged	\$0.3694	\$0.8351	\$1.2045
Charge per Pound of B.O.D.	\$0.1937	\$0.2745	\$0.4682
Charge per Pound of Suspended Solids	\$0.1339	\$0.2584	\$0.3923
USER CATEGORY	Sewer User Rate EFFECTIVE March 1, 2017, to February 28, 2018	Sewer Other Rate EFFECTIVE March 1, 2017, to February 28, 2018	Total Sewer Service Rate EFFECTIVE March 1, 2017, to February 28, 2018
Charge per Hundred Cubic Feet (CCF) of Sewage Discharged	\$0.3728	\$0.8804	\$1.2533
Charge per Pound of B.O.D.	\$0.2059	\$0.2481	\$0.4540
Charge per Pound of Suspended Solids	\$0.1437	\$0.2606	\$0.4044

4. ~~Multi-City Subregional Operating Group (SROG) Agreement Members.~~

Member	Sewer User Billing Charge Per Thousand Gallons
City of Glendale	\$1.19392
City of Mesa	\$1.05664
City of Scottsdale	\$1.19719
City of Tempe	\$0.74860

(b) ~~In addition to user charges and other charges, all~~ALL residential, commercial, and industrial users ~~shall~~WILL pay a billing and collection charge of \$1.00 ~~per billing per~~ month.

(c) ~~In addition to user charges and other charges, car~~CAR washes, laundries, restaurants, bakeries, service stations and auto repair shops, and other commercial ~~and~~OR public users with dining facilities ~~shall~~WILL pay a commercial inspection charge of \$19.53 per month.

~~(d) In addition to user charges, SROG member cities shall pay all sample collection and analytical costs associated with sampling activities at SROG facilities. These costs are established every December for the upcoming year by the Water Services Director and are determined by using the same unit cost amount used by the City of Phoenix for sample collection and analytical activities within the City limits.~~

(ed) ~~In addition, all~~ALL industrial users, including platersMETAL PLATING FACILITIES, ~~shall~~WILL pay an industrial waste pretreatment monitoring charge of \$0.2918 per hundred cubic feet of ~~sewage~~WASTEWATER discharged.

(fe) All customers served directly by the City and located outside the City limits ~~shall~~WILL pay at a rate of one and one-half times the rate for the same classification of service inside the City. In determining the amount, the Finance Director ~~shall~~WILL charge these customers the same user rates as customers inside the City and will add to this amount, as an "other charge," an amount sufficient to make the total charge payable by such customers equal to one and one-half times the amount paid for the same classification in the City.

(gf) ~~There shall be a minimum monthly charge for all~~ALL customers receiving City of Phoenix sewer service WILL BE BILLED A MINIMUM MONTHLY CHARGE ~~in the amount of \$4.50 per billing.~~

(hg) All ~~significant~~ industrial users ~~who are required to obtain a~~ WASTEWATER DISCHARGE permit pursuant to ~~§~~section 28-45 of the City Code will be assessed an annual pretreatment monitoring fee of \$1,009.00.

(h) COST AND EXPENSES INCURRED BY THE CITY TO REPAIR OR REPLACE DAMAGED, STOLEN, TAMPERED WITH, OR MISUSED CITY SEWER SYSTEM EQUIPMENT OR FACILITIES WILL BE CHARGED AGAINST AND COLLECTED FROM THE PERSON OR PERSONS WHO DAMAGED, STOLE, TAMPERED WITH, OR MISUSED THE SEWER SYSTEM EQUIPMENT OR FACILITIES.

Sec. 28-40. Reserved.

Sec. 28-41. Payment of bills and charges.

(a) THE DEPARTMENT WILL IDENTIFY All sewer user-accounts shall be carried on the books of the Water Services Department IN ITS RECORDS by the house and street numbers ADDRESS OF THE PROPERTY SERVED. THE DEPARTMENT WILL SEND All notices sent out by the City regarding sewer user-accounts, and all notices regarding any other matter pertaining to the use of the City sewerage system shall be sent to the ACCOUNT ADDRESS ON RECORD house and street number of such property. Should the customer desire notices from the City to be sent to another address, the THE customer ~~must~~ MAY submit A WRITTEN REQUEST TO HAVE NOTICES SENT INSTEAD TO AN EMAIL ADDRESS OR TO AN ADDRESS OTHER THAN THE SERVICE ACCOUNT ADDRESS. this mailing address to the Water Services Department. To insure proper delivery of notices, all errors in house and street numbers should be promptly reported to the Water Services Department. CHANGES OF ADDRESS OR NOTIFICATIONS OF AN INCORRECT ADDRESS MUST BE PROMPTLY SUBMITTED TO THE DEPARTMENT.

(b) The sewer account shall WILL distinguish the amount of the sewer user charge from any industrial cost recovery charge, if applicable.

(c) ~~All rates and service charges are due and payable when rendered. Payment must be made no later than the due date printed on the bill. If payment is not received by the due date the account is considered delinquent and subject to a late fee of three percent per month assessed on the delinquent amount. The next monthly billing invoice will indicate the past due amount, all late fees, and the current amount due. In addition to late fees a delinquent account is subject to having the water services discontinued if the account remains delinquent. A final billing notice of non-payment will be mailed giving the date that the water service will be discontinued. If the total amount identified in the final billing notice is not paid prior to the scheduled disconnection date, the water service will be turned off to the premises. No further notice will be given to the customer. A turnoff fee will be assessed to the customer's account for discontinuance of service. The turnoff fee, in addition to all amounts due and owing must be paid before restoring service. An account may also become delinquent and subject to disconnection for nonpayment of return check amounts and service charges. If a customer disputes the amount of the bill or protests a proposed termination of service as unjustified, the customer may present objections by following the procedures set forth in Phoenix City Code Section 37-95.~~ ALL CITY SERVICE CHARGES ARE DUE AND PAYABLE WHEN BILLED. THE CUSTOMER MUST PAY ALL AMOUNTS BY THE DUE DATE PRINTED ON THE CITY SERVICES BILL. IF THE TOTAL AMOUNT OWED IS NOT FULLY PAID TO THE DEPARTMENT BY THE MONTHLY BILL'S PUBLISHED DUE DATE, THE DEPARTMENT WILL ASSESS A LATE FEE OF 3 PERCENT PER MONTH ON THE DELINQUENT AMOUNT. THE NEXT MONTH'S BILL WILL INDICATE THE AMOUNT

PAST DUE, ALL LATE FEES, AND THE CURRENT BALANCE DUE. THE DEPARTMENT WILL ASSESS A LATE EACH MONTH ON ANY DELINQUENT AMOUNT, INCLUDING UNPAID LATE FEES.

(d) ~~A consumer's water service may be disconnected for nonpayment of a bill for City sewer service rendered at a previous location.~~ IF WATER SERVICE IS SUSPENDED AS PRESCRIBED BY CITY CODE 37-88 TO A SINGLE-FAMILY RESIDENCE, THE DEPARTMENT WILL NOT ASSESS ADDITIONAL LATE FEES TO THE CUSTOMER AS OF THE DATE OF THE SUSPENSION OF WATER SERVICE; HOWEVER, THE CUSTOMER MUST PAY LATE FEES ALREADY ASSESSED AS OF THAT DATE, ALONG WITH ANY OTHER AMOUNTS DUE AND OWING, TO RESTORE WATER SERVICE IN ACCORDANCE WITH CITY CODE 37-88.

(e) ~~Any expense caused by the City for the repair or replacement of damaged, stolen, tampered with or misused sewer facilities shall be charged against and collected from the person or persons who caused the expense.~~ THE DEPARTMENT MAY FILE A LIEN ON A PROPERTY SERVED FOR NONPAYMENT BY THE PROPERTY OWNER OF SEWER SERVICE CHARGES AFTER 90 DAYS. BEFORE RECORDING THE LIEN, THE DEPARTMENT WILL SEND TO THE CUSTOMER A NOTICE OF NON-PAYMENT INFORMING THE CUSTOMER OF THE AMOUNT THAT NEEDS TO BE PAID AND THE DATE BY WHICH PAYMENT MUST BE RECEIVED TO AVOID RECORDATION OF THE LIEN. THE NOTICE WILL BE SENT BY MAIL OR ELECTRONICALLY IF THE CUSTOMER HAS PREVIOUSLY ELECTED TO RECEIVE BILLS ELECTRONICALLY. THE DEPARTMENT WILL PROVIDE NO FURTHER NOTICE. THE CUSTOMER MUST PAY ALL AMOUNTS DUE AND OWING, INCLUDING ANY FEES AND ANY ASSESSED LATE FEES, BEFORE THE DEPARTMENT WILL REMOVE THE LIEN.

(f) ~~All requests for discontinuing service can be made by the customer or authorized agent of the customer of the property or by the named applicant on a service account or his authorized agent. All charges for services supplied to such premises shall be calculated and due on the specified due date printed on the bill. A customer requesting discontinuance of service must also furnish the Water Services Department with a change of address.~~ THE DEPARTMENT MAY SEND ACCOUNTS WITH UNPAID SERVICE CHARGES TO A COLLECTION AGENCY FOR PURPOSES OF COLLECTING ON THAT UNPAID DEBT.

(g) ~~Until a request to discontinue service is received by the Water Services Department, the customer is still responsible for all billing invoices.~~ IF A SEWER CUSTOMER DISPUTES THE AMOUNT OF THE BILL OR PROTESTS THE DEPARTMENT'S FILING OF A LIEN ON THE PROPERTY FOR NONPAYMENT OF

SEWER SERVICES CHARGES, THE CUSTOMER MAY PRESENT ITS OBJECTIONS BY FOLLOWING THE PROCEDURES SET FORTH IN PHOENIX CITY CODE 37-95.

(h) THE CUSTOMER OR THEIR AUTHORIZED AGENT MUST MAKE ANY REQUEST TO DISCONTINUE SERVICE. WHEN A REQUEST TO DISCONTINUE SERVICE IS SUBMITTED, THE DEPARTMENT WILL CALCULATE AND BILL FOR ALL UNPAID CHARGES FOR SERVICES SUPPLIED TO THE PREMISES. THE CUSTOMER MUST PAY ALL CHARGES BY THE DATE SPECIFIED ON THE BILL. THE CUSTOMER REQUESTING DISCONTINUANCE OF SERVICE MUST ALSO FURNISH THE DEPARTMENT WITH A CHANGE OF ADDRESS.

(i) UNTIL THE CUSTOMER PROVIDES THE DEPARTMENT WITH A NOTICE OF DISCONTINUANCE OF SERVICE, THE CUSTOMER REMAINS RESPONSIBLE FOR SEWER SERVICE AT THE SERVICE LOCATION.

(j) IF THE CUSTOMER HAS A DEPOSIT ON ACCOUNT WITH THE DEPARTMENT, THE DEPARTMENT WILL APPLY THE DEPOSIT AMOUNT TO ANY BALANCE OWING ON THE ACCOUNT. THE DEPARTMENT WILL REFUND TO THE CUSTOMER ANY CREDIT IN EXCESS OF ANY BALANCE OWED BY THE CUSTOMER.

Sec. 28-41.1. Application for service.

An applicant for sewer service ~~shall~~MUST submit the REQUIRED APPLICATION information ~~referenced in SECTION 37-84(A)1 or 2.~~ If the information has been submitted for a water SERVICE application, the applicant for sewer service ~~shall~~MUST provide the information relevant to sewer service on the existing application; if THE APPLICANT IS REQUESTING for sewer service at the same address as THE water service application.

Sec. 28-41.2. Financial responsibility deposits.

(a) Customers must post a deposit with the City if a good payment record ~~is~~HAS not BEEN established or maintained. For purposes of this ~~§section,~~ criteria defining what constitutes a good payment record is identified in the ~~Water Services~~DEPARTMENT'S Deposit Policy. A copy of this policy HAS BEEN PUBLISHED BY AND is on file with the ~~Water Services Department.~~ ~~In such event the~~THE deposit will be an amount equal to the average MONTHLY CITY SERVICES ~~billing invoices for~~ A SIMILAR TYPE OF PROPERTY SERVED IN the previous ~~twelve~~12 months. ALL DEPOSITS ARE NON-INTEREST BEARING. ~~In~~IF the event the customer fails to post the required deposit,

sewer service will not be initiated, OR IT WILL BE SUSPENDED IF SEWER SERVICE WAS INITIATED or water services will be discontinued.

(b) ~~Customer accounts that do not have a billing record sufficient to calculate a deposit as provided in Paragraph A shall be determined by using an average twelve month billing for similar residential or commercial accounts.~~ IF A CUSTOMER'S CITY SERVICE ACCOUNT IS SUSPENDED FOR NON-PAYMENT, THE CUSTOMER MUST POST A SECURITY DEPOSIT.

(c) ~~All deposits shall be non-interest-bearing. The deposit shall be applied to the account within the next billing cycle, after a customer has maintained a good payment record for 12 consecutive months.~~ IF A CUSTOMER MAKES FULL AND TIMELY PAYMENTS OF THE CITY SERVICES BILL FOR 12 CONSECUTIVE MONTHS, THE DEPARTMENT WILL APPLY THE DEPOSIT TO THE CUSTOMER'S CITY SERVICES ACCOUNT BALANCE.

(d) ~~If an account is closed at the customer's request, within 60 days thereafter, the Deposit, less any amounts due and owing, will be returned to the customer.~~ IF AN ACCOUNT IS CLOSED AT THE CUSTOMER'S REQUEST, THE DEPARTMENT WILL REFUND THE DEPOSIT TO THE CUSTOMER WITHIN 60 DAYS, LESS ANY AMOUNT OWED TO THE CITY FOR CITY SERVICES.

Sec. 28-41.3. Errors in sewer fees.

A.(a) If an error occurs and a customer has received City sewer service but was not charged for that service, the Director may charge the customer an amount not to exceed the cost of 36 months of service prior to the date the customer notifies the City of the error or the date the City discovers the error.

B.(b) If an error occurs and a customer was charged for sewer service that was not received, the Director may approve a payment or credit to the customer in an amount not to exceed the cost of 36 months of service prior to the date the customer notifies the City of the error or the date the City discovers the error.

Sec. 28-42. Reserved.

Sec. 28-43. Distribution of sewerage system revenues and utilization of funds.

(a) Funds ~~shall be~~ HAVE BEEN established for the proper distribution of sewer revenues. They ~~shall include but~~ ARE not ~~be~~ limited to the following:

- (1) Sewerage revenue fund.
- (2) Sewerage operation and maintenance fund—User charge.

- (3) Sewerage operation and maintenance fund—Other charges.
 - (4) Sewerage replacement fund—91st Avenue Plant.
 - (5) Sewerage replacement fund—23rd Avenue Plant.
 - (6) Sewerage replacement fund—Lines.
- (b) The distribution of sewer charges to the above funds ~~shall be~~is as follows:
- (1) The operation and maintenance portion of the sewer user charge revenues ~~shall be~~is allocated to the sewerage operations and maintenance fund—user charge.
 - (2) The applicable portion of the sewer service charge revenues ~~shall be~~is allocated to the sewerage operation and maintenance fund—other charges.
 - (3) The replacement fund portion of the sewer user charge revenues ~~shall be~~is allocated to the sewerage replacement funds.
- (c) The utilization of the above funds ~~shall be~~is as follows:
- (1) Sewerage operations and maintenance fund—user charge ~~shall be~~is utilized for the user charge portion of the personal services and operational expenses associated with the operation and maintenance of wastewater treatment facilities and sewage collection facilities.
 - (2) Sewerage operation and maintenance fund—other charges ~~shall be~~is utilized for personal services and operational expenses associated with the provision of sewerage system services that are not included in the user charge fund.
 - (3) Sewerage replacement funds ~~shall be~~is utilized for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the system.

ARTICLE VI. INDUSTRIAL USER AND PRETREATMENT REQUIREMENTS

Sec. 28-44. General industrial user requirements.

All industrial users ~~shall~~MUST:

- (a) Comply with the categorical PRETREATMENT standards, pretreatment requirements, and all other requirements imposed by this chapter upon POTW users; ~~U~~upon the effective date of any federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than

the effluent limitations imposed under this chapter, ~~shall immediately supersede these limitations~~ WILL BECOME THE APPLICABLE COMPLIANCE STANDARD;

(b) Comply with the orders of the Director designed to implement ~~the categorical standards, pretreatment requirements~~ STANDARDS and all other requirements imposed by this chapter;

(c) Prior to the discharge of wastewater to the POTW by any user required to have a permit under this chapter, the user ~~shall~~ MUST file a written notice with the Director ~~which~~ THAT identifies the:

- (1) Name and address of the existing or prospective users;
- (2) Business location(s) served or to be served by the POTW;
- (3) Nature, concentration, and amounts of any substance present at, or intended to be present at such business location(s) ~~which~~ THAT, if discharged to the POTW, could constitute an industrial discharge; and
- (4) Nature and concentration of all pollutants currently discharged to the POTW from such business location(s);

(d) Carry out, and maintain an ~~adequate~~ ACCURATE AND COMPLETE record of, ~~all~~ FOR NO LESS THAN 3 YEARS OF ALL WASTE DISPOSAL, WATER USAGE, FACILITY OPERATIONS, PRODUCTION VOLUMES, AND self-inspection and self-monitoring activities necessary for the DIRECTOR TO DETERMINE WHETHER THE user ~~to know at all times whether or not such user is introducing~~ HAS INTRODUCED any industrial discharge to the POTW;

(e) Assist the Director to determine the exact nature, concentration, and volume of any pollutant intended for discharge to the POTW; ~~Therefore, upon request, any user or industrial user shall~~ WILL promptly:

- (1) Allow the examination and copying of all relevant records or documents available to the user;
- (2) Allow the inspection of all business locations served by the POTW, including all pretreatment equipment, methods, and activities utilized by the user at such locations;
- (3) Install and maintain, at the user's expense, convenient and adequate monitoring and/or sampling point(s) ~~needed~~ REQUIRED by the Director for monitoring and/or sampling purposes;

(4) Allow the ~~taking and removal~~COLLECTION of samples from any wastewater discharged or intended for discharge, to the POTW;₁ and

(5) Provide the Director with any other information, including, but not limited to, chemical analyses of wastewater, and architectural or engineering design data, drawings, PLANS, etc., ~~which are reasonably needed~~REQUIRED by the Director for the purpose of determining such user's compliance with the requirements of this chapter;₁

~~(f) Not cause an industrial discharge without having first obtained a permit required by this chapter. The industrial user shall comply with all requirements and conditions of any permit. Once a permit is issued, no industrial user shall:~~

~~(1) Make any new or increased industrial discharge, or otherwise make any change in the nature of its industrial discharge(s) if such change will cause any new or increased industrial discharge, without first obtaining an amended permit.~~

~~(2) Fail to give notice to the Water Services Department of not less than ninety days prior to any facility expansion, production increase, or process modifications which results or may result in new or increased discharges or a change in the nature of the discharge.~~

~~(3) Fail to give advance notice to the Water Services Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.~~

~~(gf)~~ Comply with the demand of the Director to immediately halt any actual or threatened discharge to the POTW when the Director has given notice that such actual or threatened discharge:

(1) Presents or may present an imminent or substantial endangerment to the health or welfare of any person or to the environment;₁ or

(2) ~~Will~~MAY cause interference or pass-through with POTW operations;₁

~~(hg) Immediately give notice to the Director of any discharge, including an accidental discharge, which is in violation of any categorical standard, pretreatment requirement, or permit condition imposed by this chapter. Such notice shall also describe~~TAKE ACTION TO ADDRESS A VIOLATION OF THIS CHAPTER INCLUDING HALTING OR REDUCING OPERATIONS OR DISCHARGE, AND PROVIDE IMMEDIATE NOTICE TO THE DIRECTOR DESCRIBING the:

- (1) Location of the discharge;
- (2) Known or estimated nature, concentration, and volume of the discharged pollutant(s);
- (3) Type of assistance desired from the City; and
- (4) Corrective action(s) undertaken, being undertaken, and/or to be undertaken by the user; ~~Any user causing such a discharge shall~~ **MUST** also initiate all appropriate corrective action(s) required by the Director ~~which are needed to:~~

- (i) Prevent ~~any further~~ injury to human health or safety, or to the environment, the POTW, and/or any other property;
- (ii) Promptly repair ~~all or part of any~~ **THE** injury or damage caused by such discharge; and
- (iii) Ensure that such a discharge does not occur again;

(ih) Pay all sewer fees charged by the City for ~~the~~ wastewater collection and disposal services provided by the POTW pursuant to the requirements of this chapter; ~~Such~~ service fees will apply equally to all POTW users and will be determined by each user's proportionate share of the POTW operating and maintenance costs; ~~in~~ turn the proportionate share will be based on such factors as the strength, volume, and flow rate of wastewater discharged to the POTW by each user;

(ji) Reimburse the City for all extraordinary expenses reasonably incurred by the City ~~in~~ **in** ensuring such POTW user's compliance with the applicable requirements of this chapter; ~~An~~ extraordinary expense is any cost not otherwise reimbursed from the normal collection of sewer fees; ~~Therefore~~, extraordinary expenses include, but are not limited to, the costs in:

- (1) Issuing permits;
- (2) Conducting inspection, surveillance, and monitoring activities;
- (3) Obtaining laboratory analyses of waste samples;
- (4) Taking enforcement actions against users not in compliance with the requirements of this chapter; and

(5) Carrying out any measure S needed for the protection of human health or safety, the environment, the POTW, or any other property in order to correct or mitigate any harm caused by the violation of any categorical standard or pretreatment requirement;

(kj) Be financially responsible for all injury, damage, and/or loss suffered by any person as a result of any industrial discharge, by such user, ~~which~~ THAT violates any categorical standard, pretreatment requirement, or permit condition enforced pursuant to this chapter; ~~in particular, such user shall be~~ S liable for the:

(1) Personal injury suffered by any person as a result of such discharge;

(2) Costs reasonably incurred by any person in correcting, or otherwise mitigating, any adverse environmental impact ~~which~~ THAT resulted from such discharge; and

(3) Economic loss and property damage suffered by any person as a result of such discharge;

~~(l) Fully comply with this subpart if the results of the user's self-monitoring wastewater analysis indicates a violation has occurred:~~

~~(1) Inform the Director of the violation within twenty-four hours of becoming aware of the violation; and~~

~~(2) Repeat the wastewater sampling and pollutant analysis and submit in writing the results of the repeat analysis within thirty days after becoming aware of the violation, unless the Director requires it sooner.~~

~~(m) (1) Notify the Director, the EPA Regional Wastewater 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 Code of Federal Regulations part 261. Such notification must include the name of the hazardous waste as set forth in 40 Code of Federal Regulations part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred kilograms 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 industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months. All notifications~~

~~must take place within one hundred eighty days of the effective date of this ordinance. Industrial users who commence discharging after the effective date of this ordinance shall provide the notification no later than one hundred eighty 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. However, notifications of changed discharges must be submitted under 40 Code of Federal Regulations section 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 Code of Federal Regulations section 403.12(b), (d), and (e).~~

~~(2) Dischargers are exempt from the requirements of paragraph (m)(1) during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 Code of Federal Regulations sections 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 Code of Federal Regulations sections 261.30(d) and 261.33(c), requires a one-time notification.~~

~~Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.~~

~~(3) In the case of new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the Director of the discharge of such substance within ninety days of the effective date of such regulations.~~

~~(4) In the case of any notification made under this paragraph, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable and that it has selected the method of treatment, storage, or disposal currently available which minimizes the present and future threat to human health and the environment.~~

~~(n) Sign all permit applications using the appropriate signatory:~~

~~(1) For a corporation: By a corporate officer of [or] other persons performing a similar policy or decision-making function for the corporation;~~

~~(2) For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or~~

~~(3) For a government entity: By the administrator, chairman, Director, or principal executive responsible for operations at the facility.~~

(ek) Ensure that all applications, correspondence, reports, CERTIFICATIONS, and self-monitoring reports are signed by a duly authorized representative of the person, COMPANY, OR ENTITY AS SET FORTH IN SECTION 28-44.1; described in paragraph (n) above. ~~Any~~ change in signatures or positions shall MUST be submitted to the Director in writing within ~~thirty~~30 days after the change.

A person is a duly authorized representative only if:

~~(1) The authorization is made in writing by a person described in paragraph (n) above; and~~

~~(2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)~~

~~(p) Certification. Any person signing a document under this article shall make the following 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.~~

Sec. 28-44.1. AUTHORIZED REPRESENTATIVE; CERTIFICATION STATEMENT

(a) FOR PURPOSES OF SIGNATURES AND CERTIFICATION STATEMENTS REQUIRED UNDER THIS CHAPTER, THE FOLLOWING PERSONS MAY BE AN AUTHORIZED REPRESENTATIVE:

(1) A CORPORATE OFFICER OR OTHER EXECUTIVE OR MANAGEMENT LEVEL PERSONNEL PERFORMING A SIMILAR POLICY OR DECISION-MAKING FUNCTION FOR A CORPORATION;

(2) A GENERAL PARTNER OR THE PROPRIETOR, RESPECTIVELY FOR A PARTNERSHIP OR SOLE PROPRIETORSHIP; AND

(3) A DIRECTOR OR HIGHEST OFFICIAL APPOINTED OR DESIGNATED TO OVERSEE THE OPERATION AND PERFORMANCE OF THE ACTIVITIES OF THE FACILITY, OR THEIR DESIGNEE, FOR A GOVERNMENT ENTITY.

(b) A PERSON IS A DULY AUTHORIZED REPRESENTATIVE ONLY IF:

(1) AUTHORITY IS GRANTED TO THAT PERSON IN WRITING BY AN AUTHORIZED REPRESENTATIVE; AND

(2) THE WRITTEN AUTHORIZATION IDENTIFIES EITHER AN INDIVIDUAL OR A POSITION HAVING RESPONSIBILITY FOR THE OVERALL OPERATION OF THE REGULATED FACILITY OR ACTIVITY, SUCH AS THE POSITION OF PLANT MANAGER, SUPERINTENDENT, OR POSITION OF EQUIVALENT RESPONSIBILITY. (A DULY AUTHORIZED REPRESENTATIVE MAY THUS BE EITHER A NAMED INDIVIDUAL OR ANY INDIVIDUAL OCCUPYING A NAMED POSITION.)

(c) AN AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE MUST INCLUDE A CERTIFICATION STATEMENT WHEN SUBMITTING PARTICULAR DOCUMENTS AND INFORMATION TO THE DEPARTMENT.

(1) THE FOLLOWING CERTIFICATION STATEMENT IS REQUIRED TO BE SIGNED AND SUBMITTED BY USERS SUBMITTING COMPLIANCE REPORTS PER SECTION 28-44.6, BASELINE MONITORING REPORTS PER SECTION 28-44.7, AND PERMIT APPLICATIONS PER SECTION 28-45:

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.

(2) THE FOLLOWING CERTIFICATION STATEMENT IS REQUIRED TO BE SIGNED AND SUBMITTED BY USERS SUBMITTING THE ANNUAL CERTIFICATION REQUIRED FOR CLASS C DISCHARGE PERMITS IN SECTION 28-45.1(C)(1) (II):

BASED ON MY INQUIRY OF THE PERSON OR PERSONS DIRECTLY RESPONSIBLE FOR MANAGING COMPLIANCE WITH THE CATEGORICAL PRETREATMENT STANDARDS UNDER 40 CFR _____, I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF

THAT DURING THE PERIOD FROM _____, _____ TO
_____, _____ [MONTHS, DAYS, YEAR]:

(a) THE FACILITY DESCRIBED AS _____ [FACILITY NAME] MET THE DEFINITION OF A NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER AS DESCRIBED IN SECTION 28-45.1(C);

(b) THE FACILITY COMPLIED WITH ALL APPLICABLE PRETREATMENT STANDARDS AND REQUIREMENTS DURING THIS REPORTING PERIOD; AND

(c) THE FACILITY NEVER DISCHARGED MORE THAN 100 GALLONS OF TOTAL CATEGORICAL WASTEWATER ON ANY GIVEN DAY DURING THIS REPORTING PERIOD. THIS COMPLIANCE CERTIFICATION IS BASED ON THE FOLLOWING INFORMATION.

Sec. 28-44.2. COMPLIANCE SAMPLING POINTS.

WHEN REQUIRED BY THE DIRECTOR, THE USER OF ANY PROPERTY SERVED BY A BUILDING SEWER CARRYING POTENTIALLY HARMFUL OR INDUSTRIAL WASTES MUST INSTALL A SUITABLE COMPLIANCE SAMPLING POINT IN THE BUILDING SEWER TO FACILITATE OBSERVATION, MEASUREMENT, AND SAMPLING OF THE WASTES.

(a) SUCH COMPLIANCE SAMPLING POINT, WHEN REQUIRED, MUST BE ACCESSIBLE AND SAFELY LOCATED AND MUST BE CONSTRUCTED IN ACCORDANCE WITH PLANS APPROVED BY THE DIRECTOR.

(b) THE COMPLIANCE SAMPLING POINT MUST BE INSTALLED BY THE USER AT ITS EXPENSE AND MUST BE MAINTAINED BY THE USER SO AS TO BE SAFE AND ACCESSIBLE AT ALL TIMES.

c) ANY TEMPORARY OR PERMANENT OBSTRUCTION TO SAFE AND EASY ACCESS TO THE FACILITY TO BE INSPECTED AND SAMPLED MUST BE PROMPTLY REMOVED BY THE USER AT THE REQUEST OF THE DIRECTOR AND MUST NOT BE REPLACED. THE COSTS OF CLEARING SUCH ACCESS WILL BE BORNE BY THE USER.

(d) THE DIRECTOR MAY REQUIRE THE USER TO INSTALL MONITORING EQUIPMENT AS NECESSARY. THE FACILITY'S SAMPLING AND MONITORING EQUIPMENT MUST BE MAINTAINED AT ALL TIMES IN A SAFE AND PROPER OPERATING CONDITION BY THE USER. ANY DEVICE USED TO MEASURE WASTEWATER FLOW AND QUALITY MUST BE CALIBRATED AT THE FREQUENCY AND MAINTAINED IN ACCORDANCE WITH THE DEVICE MANUFACTURER'S RECOMMENDATIONS TO ENSURE ITS ACCURACY.

Sec. 28-44.3. ANALYTICAL REQUIREMENTS.

(a) ALL POLLUTANT ANALYSES, INCLUDING SAMPLING TECHNIQUES, TO BE SUBMITTED AS PART OF A WASTEWATER DISCHARGE PERMIT APPLICATION OR REPORT MUST BE PERFORMED IN ACCORDANCE WITH THE TECHNIQUES PRESCRIBED IN 40 CFR PART 136, UNLESS OTHERWISE SPECIFIED IN AN APPLICABLE CATEGORICAL PRETREATMENT STANDARD.

(b) IF 40 CFR PART 136 DOES NOT CONTAIN SAMPLING OR ANALYTICAL TECHNIQUES FOR A POLLUTANT, OR IF THE EPA DETERMINES THAT ITS SAMPLING AND ANALYTICAL TECHNIQUES ARE INAPPROPRIATE FOR THAT POLLUTANT, SAMPLING AND ANALYSES OF THE POLLUTANT MUST BE PERFORMED USING VALIDATED ANALYTICAL METHODS OR ANY OTHER APPLICABLE SAMPLING AND ANALYTICAL PROCEDURES, INCLUDING PROCEDURES RECOMMENDED BY THE DIRECTOR OR OTHER PARTIES APPROVED BY EPA AND THE STATE.

Sec. 28-44.4. SAMPLE COLLECTION.

SAMPLES COLLECTED TO SATISFY REPORTING REQUIREMENTS MUST BE BASED ON DATA OBTAINED THROUGH APPROPRIATE SAMPLING AND ANALYSIS PERFORMED DURING THE PERIOD COVERED BY THE REPORT, AND BE BASED ON DATA THAT IS REPRESENTATIVE OF CONDITIONS OCCURRING DURING THE REPORTING PERIOD.

(a) EXCEPT AS PROVIDED IN SUBSECTIONS (b) AND (c) BELOW, THE USER MUST COLLECT WASTEWATER SAMPLES USING 24-HOUR FLOW-PROPORTIONAL COMPOSITE SAMPLING TECHNIQUES, UNLESS TIME-PROPORTIONAL COMPOSITE SAMPLING OR GRAB SAMPLING IS AUTHORIZED BY THE DIRECTOR. WHERE TIME-PROPORTIONAL COMPOSITE SAMPLING OR GRAB SAMPLING IS AUTHORIZED BY THE DEPARTMENT, THE SAMPLES MUST BE REPRESENTATIVE OF THE DISCHARGE. USING PROTOCOLS (INCLUDING APPROPRIATE PRESERVATION) SPECIFIED IN 40 CFR PART 136 AND APPROPRIATE EPA GUIDANCE, MULTIPLE GRAB SAMPLES COLLECTED DURING A 24-HOUR PERIOD MAY BE COMPOSITED PRIOR TO THE ANALYSIS AS FOLLOWS: (I) FOR CYANIDE, TOTAL PHENOLS, AND SULFIDES THE SAMPLES MAY BE COMPOSITED IN THE LABORATORY OR IN THE FIELD; AND (II) FOR VOLATILE ORGANICS AND OIL AND GREASE, THE SAMPLES MAY BE COMPOSITED IN THE LABORATORY. COMPOSITE SAMPLES FOR OTHER PARAMETERS UNAFFECTED BY THE COMPOSITING PROCEDURES AS DOCUMENTED IN APPROVED EPA METHODOLOGIES MAY BE AUTHORIZED BY THE DEPARTMENT AS APPROPRIATE AND AS APPROVED BY THE STATE. IN ADDITION, GRAB SAMPLES MAY BE REQUIRED TO SHOW COMPLIANCE WITH INSTANTANEOUS LIMITS. SAMPLES COLLECTED THAT REQUIRE ANALYSIS AT THE TIME OF COLLECTION MUST BE ANALYZED USING METHODOLOGIES APPROVED BY THE STATE.

(b) SAMPLES FOR OIL AND GREASE, TEMPERATURE, PH, CYANIDE, TOTAL PHENOLS, SULFIDES, AND VOLATILE ORGANIC COMPOUNDS MUST BE OBTAINED USING GRAB COLLECTION TECHNIQUES.

(c) FOR SAMPLING REQUIRED IN SUPPORT OF BASELINE MONITORING AND 90-DAY COMPLIANCE REPORTS REQUIRED IN SECTION 28-44.7 AND 28-44.8, A MINIMUM OF FOUR GRAB SAMPLES MUST BE USED FOR PH, CYANIDE, TOTAL PHENOLS, OIL AND GREASE, SULFIDE, AND VOLATILE ORGANIC COMPOUNDS FOR FACILITIES FOR WHICH HISTORICAL SAMPLING DATA DOES NOT EXIST; FOR FACILITIES FOR WHICH HISTORICAL SAMPLING DATA IS AVAILABLE, THE DIRECTOR MAY AUTHORIZE A LOWER MINIMUM NUMBER OF SAMPLES. FOR THE REPORTS REQUIRED BY SECTION 28-44.6, THE INDUSTRIAL USER IS REQUIRED TO COLLECT THE NUMBER OF GRAB SAMPLES NECESSARY TO ASSESS AND ASSURE COMPLIANCE WITH APPLICABLE PRETREATMENT STANDARDS AND REQUIREMENTS.

Sec. 28-44.5. INDUSTRIAL USER REPORTING AND RECORDKEEPING REQUIREMENTS.

(a) IN ADDITION TO THE OTHER REQUIREMENTS IMPOSED BY THIS CHAPTER, EACH INDUSTRIAL USER WHO DISCHARGES AN INDUSTRIAL DISCHARGE INTO THE SEWER SYSTEM MUST:

(1) MAINTAIN A CONTINUOUS DISCHARGE RECORD THAT CLEARLY IDENTIFIES THE:

- (i) DATES AND TIMES OF ALL INDUSTRIAL DISCHARGES; AND
- (ii) NATURE, CONCENTRATION(S), AND VOLUME(S) OF ALL SUCH DISCHARGES;

(2) FULLY COMPLY WITH THIS SECTION IF THE RESULTS OF THE USER'S SELF-MONITORING WASTEWATER ANALYSIS INDICATE A VIOLATION HAS OCCURRED:

- (i) INFORM THE DIRECTOR OF THE VIOLATION; AND
- (ii) REPEAT THE WASTEWATER SAMPLING AND POLLUTANT ANALYSIS AND SUBMIT IN WRITING THE RESULTS OF THE REPEAT ANALYSIS WITHIN 30 DAYS AFTER BECOMING AWARE OF THE VIOLATION, UNLESS THE DIRECTOR REQUIRES IT SOONER.

(b) ALL COMPLIANCE REPORTS MUST BE SIGNED AND CERTIFIED IN ACCORDANCE WITH SECTION 28-44.1.

(c) ALL WASTEWATER SAMPLES MUST BE REPRESENTATIVE OF THE USER'S DISCHARGE. WASTEWATER MONITORING AND FLOW MEASUREMENT FACILITIES MUST BE PROPERLY OPERATED, KEPT CLEAN, AND MAINTAINED IN GOOD WORKING ORDER AT ALL TIMES. THE FAILURE OF A USER TO KEEP ITS MONITORING FACILITY IN GOOD WORKING ORDER IS NOT GROUNDS FOR THE USER TO CLAIM THAT SAMPLE RESULTS ARE NOT REPRESENTATIVE OF ITS DISCHARGE.

(d) IF A USER SUBJECT TO THE REPORTING REQUIREMENT IN THIS SECTION MONITORS ANY REGULATED POLLUTANT AT THE APPROPRIATE SAMPLING LOCATION MORE FREQUENTLY THAN REQUIRED BY THE DIRECTOR, USING THE PROCEDURES PRESCRIBED IN SECTION 28-44.4, THE RESULTS OF THIS MONITORING MUST BE INCLUDED IN THE REPORT.

(e) USERS SUBJECT TO THE REPORTING REQUIREMENTS IN THIS CHAPTER MUST RETAIN, AND MAKE AVAILABLE FOR INSPECTION AND COPYING, ALL RECORDS OF INFORMATION OBTAINED PURSUANT TO ANY MONITORING ACTIVITIES REQUIRED BY THIS ORDINANCE, ANY ADDITIONAL RECORDS OF INFORMATION OBTAINED PURSUANT TO MONITORING ACTIVITIES UNDERTAKEN BY THE USER INDEPENDENT OF SUCH REQUIREMENTS, AND DOCUMENTATION ASSOCIATED WITH BEST MANAGEMENT PRACTICES.

(1) RECORDS MUST INCLUDE:

- (i) THE DATE, EXACT PLACE, METHOD, AND TIME OF SAMPLING;
- (ii) THE NAME OF THE PERSON(S) TAKING THE SAMPLES;
- (iii) THE DATES ANALYSES WERE PERFORMED;
- (iv) WHO PERFORMED THE ANALYSES;
- (v) THE ANALYTICAL TECHNIQUES OR METHODS USED; AND
- (vi) THE RESULTS OF SUCH ANALYSES.

(2) RECORDS MUST REMAIN AVAILABLE FOR A PERIOD OF AT LEAST 3 YEARS. THIS PERIOD WILL BE AUTOMATICALLY EXTENDED FOR THE DURATION OF ANY LITIGATION CONCERNING THE USER OR CITY, OR WHERE THE USER HAS BEEN SPECIFICALLY NOTIFIED OF A LONGER RETENTION PERIOD BY THE DIRECTOR.

(f) THE FOLLOWING REPORTING REQUIREMENTS APPLY TO INDUSTRIAL USERS THAT MUST SUBMIT COMPLIANCE SCHEDULES:

(1) THE SCHEDULE MUST CONTAIN PROGRESS INCREMENTS 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 (SUCH EVENTS INCLUDE, BUT ARE NOT LIMITED TO, HIRING AN ENGINEER, COMPLETING PRELIMINARY AND FINAL PLANS, EXECUTING CONTRACTS FOR MAJOR COMPONENTS, COMMENCING AND COMPLETING CONSTRUCTION, AND BEGINNING AND CONDUCTING ROUTINE OPERATION);

(2) NO INCREMENT REFERRED TO ABOVE SHALL EXCEED 9 MONTHS;

(3) THE USER MUST SUBMIT A PROGRESS REPORT TO THE DIRECTOR NO LATER THAN 14 DAYS FOLLOWING EACH DATE IN THE SCHEDULE

AND THE FINAL DATE OF COMPLIANCE INCLUDING, AS A MINIMUM, WHETHER OR NOT IT COMPLIED WITH THE INCREMENT OF PROGRESS, THE REASON FOR ANY DELAY, AND, IF APPROPRIATE, THE STEPS BEING TAKEN BY THE USER TO RETURN TO THE ESTABLISHED SCHEDULE; AND

(4) IN NO EVENT, MAY MORE THAN 9 MONTHS ELAPSE BETWEEN SUCH PROGRESS REPORTS TO THE DIRECTOR.

Sec. 28-44.6. SIGNIFICANT INDUSTRIAL USER PERIODIC COMPLIANCE REPORT REQUIREMENTS.

SIGNIFICANT INDUSTRIAL USERS MUST SUBMIT PERIODIC COMPLIANCE REPORTS TO THE DEPARTMENT IN JUNE AND DECEMBER INDICATING THE NATURE AND CONCENTRATION OF POLLUTANTS IN THE DISCHARGE THAT ARE LIMITED BY PRETREATMENT STANDARDS AND THE MEASURED OR ESTIMATED AVERAGE AND MAXIMUM DAILY FLOWS FOR THE REPORTING PERIOD. SAMPLING AND ANALYSIS MUST BE PERFORMED IN ACCORDANCE WITH SECTIONS 28-44.3 AND 28-44.4. IN CASES WHERE THE PRETREATMENT STANDARD REQUIRES COMPLIANCE WITH A BEST MANAGEMENT PRACTICE OR POLLUTION PREVENTION ALTERNATIVE, THE USER MUST SUBMIT DOCUMENTATION TO THE DEPARTMENT REQUIRED TO DETERMINE THE COMPLIANCE STATUS OF THE USER.

Sec. 28-44.7. CATEGORICAL INDUSTRIAL USER BASELINE MONITORING REQUIREMENTS.

(a) AT LEAST 90 DAYS PRIOR TO COMMENCEMENT OF DISCHARGE, NEW SOURCES AND SOURCES THAT BECOME CATEGORICAL INDUSTRIAL USERS SUBSEQUENT TO THE PROMULGATION OF AN APPLICABLE CATEGORICAL STANDARD, MUST SUBMIT A REPORT TO THE DIRECTOR THAT CONTAINS THE INFORMATION LISTED IN PARAGRAPH (c) BELOW. IN ADDITION, A NEW SOURCE MUST REPORT THE METHOD OF PRETREATMENT IT INTENDS TO USE TO MEET APPLICABLE CATEGORICAL PRETREATMENT STANDARDS AND ESTIMATES OF ITS ANTICIPATED FLOW AND QUANTITY OF POLLUTANTS TO BE DISCHARGED.

(b) WITHIN EITHER 180 DAYS AFTER THE EFFECTIVE DATE OF A CATEGORICAL PRETREATMENT STANDARD, OR THE FINAL ADMINISTRATIVE DECISION ON A CATEGORY DETERMINATION UNDER 40 CFR 403.6(A)(4), WHICHEVER IS LATER, EXISTING CATEGORICAL INDUSTRIAL USERS CURRENTLY DISCHARGING TO OR SCHEDULED TO DISCHARGE TO THE POTW MUST SUBMIT TO THE DIRECTOR A REPORT THAT CONTAINS THE INFORMATION LISTED IN PARAGRAPH (c) BELOW.

(c) CATEGORICAL INDUSTRIAL USERS DESCRIBED ABOVE MUST SUBMIT THE FOLLOWING INFORMATION:

(1) THE NAME AND ADDRESS OF THE FACILITY, INCLUDING THE NAME OF THE OPERATOR AND OWNER;

(2) CONTACT INFORMATION, DESCRIPTION OF ACTIVITIES, FACILITIES, AND PLANT PRODUCTION PROCESSES ON THE PREMISES;

(3) A LIST OF ANY ENVIRONMENTAL CONTROL PERMITS HELD BY OR FOR THE FACILITY;

(4) A BRIEF DESCRIPTION OF THE NATURE, AVERAGE RATE OF PRODUCTION (INCLUDING EACH PRODUCT PRODUCED BY TYPE, AMOUNT, PROCESSES, AND RATE OF PRODUCTION), AND STANDARD INDUSTRIAL CLASSIFICATIONS OF THE OPERATION(S) CARRIED OUT BY SUCH USER; THIS DESCRIPTION SHOULD INCLUDE A SCHEMATIC PROCESS DIAGRAM, WHICH INDICATES POINTS OF DISCHARGE TO THE POTW FROM THE REGULATED PROCESSES;

(5) INFORMATION SHOWING THE MEASURED AVERAGE DAILY AND MAXIMUM DAILY FLOW, IN GALLONS PER DAY, TO THE POTW FROM REGULATED PROCESS STREAMS AND OTHER STREAMS, AS NECESSARY, TO ALLOW USE OF THE COMBINED WASTE STREAM FORMULA SET OUT IN 40 CFR 403.6(E);

(6) INFORMATION REGARDING THE MEASUREMENT OF POLLUTANTS INCLUDING:

i. THE CATEGORICAL PRETREATMENT STANDARDS APPLICABLE TO EACH REGULATED PROCESS AND ANY NEW CATEGORICALLY REGULATED PROCESSES FOR EXISTING SOURCES;

ii. THE RESULTS OF SAMPLING AND ANALYSIS IDENTIFYING THE NATURE, CONCENTRATION, AND MASS OF REGULATED POLLUTANTS IN THE DISCHARGE FROM EACH REGULATED PROCESS WHERE REQUIRED BY THE PRETREATMENT STANDARD OR BY THE DIRECTOR;

iii. INSTANTANEOUS, DAILY MAXIMUM, AND LONG-TERM AVERAGE CONCENTRATIONS OR MASS WHERE REQUIRED MUST BE REPORTED;

iv. THE SAMPLE MUST BE REPRESENTATIVE OF DAILY OPERATIONS AND MUST BE ANALYZED IN ACCORDANCE WITH PROCEDURES SET OUT IN SECTION 28-44.3; WHERE THE PRETREATMENT STANDARD REQUIRES COMPLIANCE WITH A BMP OR POLLUTION PREVENTION ALTERNATIVE, THE USER MUST SUBMIT DOCUMENTATION AS REQUIRED BY THE DIRECTOR OR THE APPLICABLE PRETREATMENT STANDARDS TO DETERMINE COMPLIANCE WITH THE STANDARD;

v. THE CATEGORICAL INDUSTRIAL USER MUST TAKE A MINIMUM OF ONE REPRESENTATIVE SAMPLE TO COMPILE THE DATA NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THIS PARAGRAPH;

vi. IF PRETREATMENT FACILITIES EXIST, SAMPLES MUST BE TAKEN IMMEDIATELY DOWNSTREAM OR IMMEDIATELY DOWNSTREAM FROM THE REGULATED PROCESS IF NO PRETREATMENT EXISTS; IF OTHER WASTEWATERS ARE MIXED WITH THE REGULATED WASTEWATER PRIOR TO PRETREATMENT, THE CATEGORICAL INDUSTRIAL USERS MUST MEASURE THE FLOWS AND CONCENTRATIONS NECESSARY TO ALLOW USE OF THE COMBINED WASTE STREAM FORMULA IN 40 CFR 403.6(E) TO EVALUATE COMPLIANCE WITH THE PRETREATMENT STANDARDS; WHERE AN ALTERNATE CONCENTRATION OR MASS LIMIT HAS BEEN CALCULATED IN ACCORDANCE WITH 40 CFR 403.6(E), THIS ADJUSTED LIMIT ALONG WITH SUPPORTING DATA MUST BE SUBMITTED TO THE DIRECTOR;

vii. SAMPLING AND ANALYSIS MUST BE PERFORMED IN ACCORDANCE WITH SECTIONS 28-44.3 AND 28-44.4;

viii. THE DIRECTOR MAY ALLOW THE SUBMISSION OF A BASELINE REPORT WHICH UTILIZES ONLY HISTORICAL DATA SO LONG AS THE DATA PROVIDES INFORMATION SUFFICIENT TO DETERMINE THE NEED FOR INDUSTRIAL PRETREATMENT MEASURES; AND

ix. THE BASELINE REPORT MUST INDICATE THE TIME, DATE, AND PLACE OF SAMPLING AND METHODS OF ANALYSIS, AND MUST CERTIFY THAT SUCH SAMPLING AND ANALYSIS IS REPRESENTATIVE OF NORMAL WORK CYCLES AND EXPECTED POLLUTANT DISCHARGES TO THE POTW;

(7) A STATEMENT, REVIEWED BY THE INDUSTRIAL USER'S AUTHORIZED REPRESENTATIVE AS DEFINED IN SECTION 28-44.1 AND CERTIFIED BY A QUALIFIED PROFESSIONAL, INDICATING WHETHER PRETREATMENT STANDARDS ARE BEING MET ON A CONSISTENT BASIS, AND, IF NOT, WHETHER ADDITIONAL OPERATION AND MAINTENANCE AND/OR ADDITIONAL PRETREATMENT IS REQUIRED TO MEET THE PRETREATMENT STANDARDS AND REQUIREMENTS;

(8) IF ADDITIONAL PRETREATMENT AND/OR OPERATION OR MAINTENANCE IS REQUIRED TO MEET THE PRETREATMENT STANDARDS, THE SHORTEST COMPLIANCE SCHEDULE BY WHICH THE INDUSTRIAL USER WILL PROVIDE SUCH ADDITIONAL PRETREATMENT AND/OR OPERATION AND MAINTENANCE MUST BE PROVIDED TO THE DEPARTMENT; THE COMPLETION DATE IN THIS SCHEDULE MUST NOT BE LATER THAN THE COMPLIANCE DATE ESTABLISHED FOR THE APPLICABLE PRETREATMENT

STANDARD; A COMPLIANCE SCHEDULE PURSUANT TO THIS SECTION MUST MEET THE REQUIREMENTS SET OUT IN SECTION 28-44.5(F);

(9) ALL BASELINE MONITORING REPORTS MUST BE CERTIFIED IN ACCORDANCE WITH SECTION 28-44.1 AND SIGNED BY AN AUTHORIZED REPRESENTATIVE AS DEFINED IN SECTION 28-44.1.

Sec. 28-44.8. COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE REPORTS.

(a) WITHIN 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 USER SUBJECT TO SUCH PRETREATMENT STANDARDS AND REQUIREMENTS MUST SUBMIT TO THE DEPARTMENT A REPORT CONTAINING THE INFORMATION DESCRIBED IN SECTION 28-44.7(c)(5) AND (6).

(b) FOR USERS SUBJECT TO EQUIVALENT MASS OR CONCENTRATION LIMITS ESTABLISHED IN ACCORDANCE WITH THE PROCEDURES IN SECTION 28-45.3, THIS REPORT MUST CONTAIN A REASONABLE MEASURE OF THE USER'S LONG-TERM PRODUCTION RATE.

(c) FOR ALL OTHER USERS SUBJECT TO CATEGORICAL PRETREATMENT STANDARDS EXPRESSED IN TERMS OF ALLOWABLE POLLUTANT DISCHARGE PER UNIT OF PRODUCTION (OR OTHER MEASURE OF OPERATION), THIS REPORT MUST INCLUDE THE USER'S ACTUAL PRODUCTION DURING THE APPROPRIATE SAMPLING PERIOD.

(d) ALL COMPLIANCE REPORTS MUST BE SIGNED IN ACCORDANCE WITH SECTION 28-44.1 AND CERTIFIED IN ACCORDANCE WITH SECTION 28-44.1(C)(1). ALL SAMPLING WILL BE DONE IN CONFORMANCE WITH SECTION 28-44.4.

Sec. 28-45. Significant industrial user requirements.

In addition to all other requirements each industrial user who discharges an industrial discharge into the sewer system and is designated as a significant industrial user (SIU) by the Director shall also:

~~(a) Obtain a Class A wastewater discharge permit from the Director. Any application for a Class A permit or an amended Class A permit shall contain the information specified in the application form or such other information as may be requested by the Director. Any person intending to commence any new industrial discharge(s), or any additional industrial discharge(s) not already allowed pursuant to an existing permit, shall apply for a new or amended permit at least ninety days prior to initiating such discharge(s).~~

~~(b) Provide all of the pretreatment necessary to comply with the categorical standards, pretreatment requirements and best management practices imposed by this chapter.~~

~~In addition, there shall be no discharge of any water or waste exceeding the limits for the following substances that are expressed in the total form:~~

DAILY AVERAGE EFFLUENT LIMITATIONS

Substance	Limitation
Arsenic	0.13 mg/l*
Cadmium	0.047 mg/l
Copper	1.5 mg/l
Cyanide	2.0 mg/l
Lead	0.41 mg/l
Mercury	0.0023 mg/l
Selenium	0.10 mg/l
Silver	1.2 mg/l
Zinc	3.5 mg/l

* mg/l = milligrams per liter

~~(c) Maintain a continuous discharge record which clearly identifies the:~~

~~(1) Dates and times of all industrial discharges; and~~

~~(2) Nature, concentration(s), and volume(s) of all such discharges.~~

~~(d) Provide the Director with all reports and notices which the SIU is required to submit in accordance with the provisions of 40 Code of Federal Regulations part 403.12. In particular, each SIU shall meet the requirements of:~~

~~(1) Notices which must be filled within one hundred eighty days of the adoption of any categorical standard, including a compliance schedule;~~

~~(2) Notices which must be filed within ninety days of any final compliance date, or in the case of a new source, following the commencement of the introduction of wastewater into the POTW;~~

~~(3) Reports which must be filed by the SIU in June and December of each year unless required more frequently by the Director;~~

~~(4) Notices which must be immediately given after a slug load release of any industrial discharge;~~

~~(5) Sampling and analyses of pollutants discharged to the POTW, including any more frequent sampling and analyses performed beyond what is required by the Director;~~

~~(6) The maintenance of records by the SIU.~~

~~(e) Comply with all reporting requirements and maintain records of all information resulting from any monitoring activities as required by chapter 28 of the Phoenix City Code.~~

~~(f) Records required by paragraphs (d) and (e) above shall be required to be retained for a minimum of three years from the date of monitoring activity and shall be made available for inspection and copying. This period of retention shall be extended during the course of any unresolved litigation between the SIU and the City. Such records shall include for all samples:~~

~~(1) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;~~

~~(2) The dates analyses were performed;~~

~~(3) Who performed the analyses;~~

~~(4) The analytical techniques/methods used; and~~

~~(5) The results of such analyses.~~

Sec. 28-45. INDUSTRIAL USER PERMIT GENERAL REQUIREMENTS.

INDUSTRIAL USERS MAY NOT CAUSE, PERMIT, OR ALLOW AN INDUSTRIAL DISCHARGE WITHOUT HAVING FIRST OBTAINED A PERMIT REQUIRED BY THIS CHAPTER.

(a) AN INDUSTRIAL USER MUST COMPLY WITH ALL REQUIREMENTS AND CONDITIONS OF ITS PERMIT.

(b) ANY NEW INDUSTRIAL USER REQUIRED TO HAVE AN INDUSTRIAL DISCHARGE PERMIT UNDER THIS CHAPTER MUST FILE AN APPLICATION WITH

THE DIRECTOR AT LEAST 90 DAYS PRIOR TO THE DISCHARGE OF INDUSTRIAL WASTEWATER TO THE POTW.

(c) ONCE AN INDIVIDUAL OR GENERAL INDUSTRIAL PERMIT IS ISSUED, NO INDUSTRIAL USER MAY:

(1) MAKE ANY NEW OR INCREASED INDUSTRIAL DISCHARGE, OR OTHERWISE MAKE ANY CHANGE IN THE NATURE OF ITS INDUSTRIAL DISCHARGE(S) IF SUCH CHANGE WILL CAUSE ANY NEW OR INCREASED INDUSTRIAL DISCHARGE, WITHOUT FIRST OBTAINING AN AMENDED PERMIT;

(2) FAIL TO GIVE NOTICE TO THE DEPARTMENT OF NOT LESS THAN 90 DAYS PRIOR TO ANY FACILITY EXPANSION, PRODUCTION INCREASE, OR PROCESS MODIFICATIONS THAT RESULTS OR MAY RESULT IN NEW OR INCREASED DISCHARGES OR A CHANGE IN THE NATURE OF THE DISCHARGE; OR

(3) FAIL TO GIVE ADVANCE NOTICE TO THE DEPARTMENT OF ANY PLANNED CHANGES IN THE PERMITTED FACILITY OR ACTIVITY THAT MAY RESULT IN NONCOMPLIANCE WITH PERMIT REQUIREMENTS.

(d) ANY CURRENTLY PERMITTED INDUSTRIAL USER ADDING NEW OR INCREASED INDUSTRIAL DISCHARGES MUST FILE AN APPLICATION FOR AN AMENDED DISCHARGE PERMIT WITH THE DIRECTOR 90 DAYS PRIOR TO ANY FACILITY EXPANSION, PRODUCTION INCREASE, OR PROCESS MODIFICATIONS THAT RESULTS OR MAY RESULT IN NEW OR INCREASED DISCHARGES OR A CHANGE IN THE NATURE OF THE DISCHARGE.

(e) AT LEAST 60 DAYS PRIOR TO THE EXPIRATION DATE OF AN INDIVIDUAL OR GENERAL INDUSTRIAL DISCHARGE PERMIT, ANY PERMITTED INDUSTRIAL USER MUST FILE AN APPLICATION WITH THE DIRECTOR FOR RENEWAL OF THE PERMIT.

(f) AN INDUSTRIAL USER MUST SUBMIT AN APPLICATION TO THE DIRECTOR WITH INFORMATION NEEDED TO ISSUE, AMEND OR RENEW AN INDIVIDUAL OR GENERAL INDUSTRIAL DISCHARGE PERMIT. THE INFORMATION REQUIRED MUST INCLUDE:

(1) THE NAME AND ADDRESS OF THE EXISTING OR PROSPECTIVE USER, INCLUDING THE NAMES OF THE OPERATOR AND OWNER IF DIFFERENT;

(2) THE CONTACT INFORMATION, DESCRIPTION OF ACTIVITIES, FACILITIES, AND PLANT PRODUCTION PROCESSES ON THE PREMISES;

(3) A DESCRIPTION OF OPERATIONS, CONSISTING OF:

(i) A BRIEF DESCRIPTION OF THE NATURE, AVERAGE RATE OF PRODUCTION (INCLUDING EACH PRODUCT PRODUCED BY TYPE, AMOUNT, PROCESSES, AND RATE OF PRODUCTION), AND STANDARD INDUSTRIAL CLASSIFICATIONS OF THE OPERATION(S);

(ii) TYPES OF WASTES GENERATED, AND A LIST OF ALL RAW MATERIALS AND CHEMICALS USED OR STORED AT THE FACILITY THAT ARE, OR COULD POTENTIALLY BE, DISCHARGED TO THE POTW;

(iii) NUMBER AND TYPE OF EMPLOYEES, HOURS OF OPERATION, AND PLANNED OR ACTUAL HOURS OF OPERATION;

(iv) TYPE AND AMOUNT OF RAW MATERIALS PROCESSED (AVERAGE AND MAXIMUM PER DAY);

(v) SITE PLANS, FLOOR PLANS, MECHANICAL AND PLUMBING PLANS, AND DETAILS TO SHOW ALL SEWERS, FLOOR DRAINS, AND APPURTENANCES BY SIZE, LOCATION, AND ELEVATION, AND ALL POINTS OF DISCHARGE; AND

(vi) A SCHEMATIC PROCESS DIAGRAM THAT IDENTIFIES POINTS OF DISCHARGE FROM THE REGULATED PROCESS AND DISPOSAL METHOD FOR WASTES NOT DISCHARGED TO THE POTW; AND THE LOCATION(S) OF MONITORING ALL WASTES COVERED BY THE PERMIT;

(4) A REQUEST TO BE COVERED UNDER A GENERAL PERMIT PURSUANT TO SECTION 28-45.2; AND

(5) A REQUEST FOR THE DIRECTOR'S APPROVAL OF EQUIVALENT DISCHARGE LIMITS PURSUANT TO SECTION 28-45.3.

ALL PERMIT APPLICATIONS SUBMITTED TO THE DIRECTOR MUST CONTAIN THE CERTIFICATION STATEMENT IN SECTION 28-44(C)(1) SIGNED BY AN AUTHORIZED PERSON PER SECTION 28-44.1.

Sec. 28-45.1. Special discharges.

~~(a) — In addition to all other requirements imposed by this chapter upon industrial users, the following types of industrial users who are not significant industrial users may be required to obtain a Class B wastewater discharge permit if the Director determines the~~

~~industrial discharge causes or has the reasonable potential to cause harm or damage to the POTW, worker safety, public safety or the environment:~~

~~(1) Zero process discharge user.~~

~~(2) Users which discharge the equivalent strength of twenty-five thousand gallons per day of domestic waste as measured by BOD and SS.~~

~~(3) Discharges of polluted groundwater.~~

~~(4) Users discharging any of the substances identified in sections 28-9 and 28-45(b).~~

~~(b) The industrial user shall comply with all requirements and conditions of a Class B wastewater discharge permit issued by the Director under section 28-46~~

Sec. 28-45.1. INDIVIDUAL INDUSTRIAL USER PERMITS.

(a) INDUSTRIAL USERS THAT DISCHARGE AN INDUSTRIAL DISCHARGE INTO THE POTW AND ARE DESIGNATED AS A SIGNIFICANT INDUSTRIAL USER BY THE DIRECTOR, MUST OBTAIN A CLASS A WASTEWATER DISCHARGE PERMIT AND PROVIDE THE PRETREATMENT NECESSARY TO COMPLY WITH THE PRETREATMENT STANDARDS, PRETREATMENT REQUIREMENTS, AND BEST MANAGEMENT PRACTICES IMPOSED BY THIS CHAPTER.

(b) INDUSTRIAL USERS WHO ARE NOT SIGNIFICANT INDUSTRIAL USERS MAY BE REQUIRED TO OBTAIN A CLASS B WASTEWATER DISCHARGE PERMIT IF THE DIRECTOR DETERMINES THE INDUSTRIAL DISCHARGE CAUSES OR HAS THE REASONABLE POTENTIAL TO CAUSE HARM OR DAMAGE TO THE POTW, WORKER SAFETY, PUBLIC SAFETY, OR THE ENVIRONMENT. INDUSTRIAL USERS WHO MAY BE REQUIRED TO OBTAIN A CLASS B WASTEWATER DISCHARGE PERMIT INCLUDE:

(1) USERS THAT DISCHARGE THE EQUIVALENT STRENGTH OF 25,000 GALLONS PER DAY OF DOMESTIC WASTE AS MEASURED BY BOD AND TSS;

(2) DISCHARGERS OF POLLUTED GROUNDWATER; AND

(3) USERS DISCHARGING SUBSTANCES WITH LIMITS IDENTIFIED IN SECTION 28-8.

(c) THE DIRECTOR MAY USE A CLASS C WASTEWATER DISCHARGE PERMIT TO CONTROL AN INDUSTRIAL USER SUBJECT TO CATEGORICAL PRETREATMENT STANDARDS AS A NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER RATHER THAN A SIGNIFICANT INDUSTRIAL USER ON A

FINDING THAT THAT THE INDUSTRIAL USER NEVER DISCHARGES MORE THAN 100 GALLONS PER DAY OF TOTAL CATEGORICAL WASTEWATER (EXCLUDING SANITARY, NON-CONTACT COOLING AND BOILER BLOWDOWN WASTEWATER, UNLESS SPECIFICALLY INCLUDED IN THE PRETREATMENT STANDARD).

(1) THE INDUSTRIAL USER MUST MEET THE FOLLOWING CONDITIONS:

(i) PRIOR TO THE DEPARTMENT'S FINDING, IT HAS CONSISTENTLY COMPLIED WITH ALL APPLICABLE CATEGORICAL PRETREATMENT STANDARDS AND REQUIREMENTS;

(ii) ANNUALLY SUBMITS THE CERTIFICATION STATEMENT REQUIRED IN SECTION 28-44.1(c)(2) TOGETHER WITH ANY ADDITIONAL INFORMATION NECESSARY TO SUPPORT THE CERTIFICATION STATEMENT; AND

(iii) NEVER DISCHARGES ANY UNTREATED CONCENTRATED WASTEWATER.

(2) UPON A FINDING THAT A USER MEETING THE CRITERIA HAS NO REASONABLE POTENTIAL FOR ADVERSELY AFFECTING THE POTW'S OPERATION OR FOR VIOLATING ANY PRETREATMENT STANDARD OR REQUIREMENT, THE DEPARTMENT MAY AT ANY TIME, ON ITS OWN INITIATIVE OR IN RESPONSE TO A PETITION RECEIVED FROM AN INDUSTRIAL USER, AND IN ACCORDANCE WITH PROCEDURES IN 40 CFR 403.8(F)(6), DETERMINE THAT SUCH USER SHOULD NOT BE CONSIDERED A SIGNIFICANT INDUSTRIAL USER.

(3) UPON A DETERMINATION OF NON-SIGNIFICANT CATEGORICAL INDUSTRIAL STATUS, THE USER MUST SUBMIT AN APPLICATION FOR A CLASS C WASTEWATER DISCHARGE THAT CONTAINS THE INFORMATION SPECIFIED IN THE APPLICATION FORM OR SUCH OTHER INFORMATION AS MAY BE REQUESTED BY THE DIRECTOR.

Sec. 28-45.2. GENERAL SIGNIFICANT INDUSTRIAL USER PERMITS.

(a) THE DIRECTOR MAY USE GENERAL PERMITS TO CONTROL SIGNIFICANT INDUSTRIAL USER DISCHARGES TO THE POTW IF ALL FACILITIES TO BE COVERED BY THE GENERAL PERMIT:

(1) INVOLVE THE SAME OR SUBSTANTIALLY SIMILAR TYPES OF OPERATIONS;

(2) DISCHARGE THE SAME TYPES OF WASTES;

(3) REQUIRE THE SAME EFFLUENT LIMITATIONS;

(4) REQUIRE THE SAME OR SIMILAR MONITORING; AND

(5) AS DETERMINED BY THE DIRECTOR, ARE MORE APPROPRIATELY CONTROLLED UNDER A GENERAL PERMIT THAN UNDER INDIVIDUAL WASTEWATER DISCHARGE PERMITS.

(b) TO BE COVERED BY A GENERAL PERMIT, THE SIGNIFICANT INDUSTRIAL USER MUST FILE A WRITTEN REQUEST FOR COVERAGE WITH THE DEPARTMENT THAT IDENTIFIES:

(1) ITS CONTACT INFORMATION;

(2) PRODUCTION PROCESSES;

(3) THE TYPES OF WASTES GENERATED;

(4) THE LOCATION(S) FOR MONITORING ALL WASTES COVERED BY THE GENERAL PERMIT; AND

(5) ANY OTHER INFORMATION THE DEPARTMENT DEEMS APPROPRIATE.

(c) THE DIRECTOR WILL RETAIN A COPY OF THE GENERAL PERMIT, DOCUMENTATION TO SUPPORT THE DEPARTMENT'S DETERMINATION THAT A SPECIFIC SIGNIFICANT INDUSTRIAL USER MEETS THE CRITERIA IN PARAGRAPH (A) ABOVE AND APPLICABLE STATE REGULATIONS, AND A COPY OF THE USER'S WRITTEN REQUEST FOR COVERAGE FOR 3 YEARS AFTER THE EXPIRATION OF THE GENERAL PERMIT.

(d) THE DIRECTOR MAY NOT CONTROL A SIGNIFICANT INDUSTRIAL USER THROUGH A GENERAL PERMIT WHERE THE FACILITY IS SUBJECT TO PRODUCTION-BASED CATEGORICAL PRETREATMENT STANDARDS OR CATEGORICAL PRETREATMENT STANDARDS EXPRESSED AS MASS OF POLLUTANT DISCHARGED PER DAY OR FOR INDUSTRIAL USERS WHOSE LIMITS ARE BASED ON THE COMBINED WASTE STREAM FORMULA IN 40 CFR 403.6(E).

Sec. 28-45.3. CATEGORICAL INDUSTRIAL USER PERMIT LIMITS.

INDUSTRIAL USERS MUST COMPLY WITH THE CATEGORICAL PRETREATMENT STANDARDS FOUND AT 40 CFR PARTS 405 THROUGH 471, AND THERE MAY BE NO DISCHARGE OF ANY WATER OR WASTE EXCEEDING THE PRETREATMENT STANDARDS LIMITS AND LOCAL LIMITS IN SECTION 28-8.

(a) WHEN WASTEWATER SUBJECT TO A CATEGORICAL PRETREATMENT STANDARD IS MIXED WITH WASTEWATER NOT REGULATED BY THE SAME STANDARD, THE DIRECTOR MAY IMPOSE AN ALTERNATE LIMIT ON THAT WASTEWATER IN ACCORDANCE WITH 40 CFR 403.6(E).

(b) WHEN THE LIMITS IN A CATEGORICAL PRETREATMENT STANDARD ARE EXPRESSED ONLY IN TERMS OF MASS OF POLLUTANT PER UNIT OF PRODUCTION, THE DIRECTOR MAY CONVERT THE LIMITS TO EQUIVALENT LIMITATIONS EXPRESSED EITHER AS MASS OF POLLUTANT

DISCHARGED PER DAY OR EFFLUENT CONCENTRATION FOR PURPOSES OF CALCULATING EFFLUENT LIMITATIONS APPLICABLE TO INDIVIDUAL INDUSTRIAL USERS.

(c) WHEN THE LIMITS IN A CATEGORICAL PRETREATMENT STANDARD ARE EXPRESSED ONLY IN TERMS OF POLLUTANT CONCENTRATIONS, AN INDUSTRIAL USER MAY REQUEST THAT THE DEPARTMENT CONVERT THE LIMITS TO EQUIVALENT MASS LIMITS. THE DETERMINATION WHETHER TO CONVERT CONCENTRATION LIMITS TO MASS LIMITS IS WITHIN THE SOLE DISCRETION OF THE DIRECTOR. TO BE ELIGIBLE FOR EQUIVALENT MASS LIMITS, THE INDUSTRIAL USER MUST:

- (1) EMPLOY, OR DEMONSTRATE THAT IT WILL EMPLOY, WATER CONSERVATION METHODS AND TECHNOLOGIES THAT SUBSTANTIALLY REDUCE WATER USE DURING THE TERM OF ITS INDIVIDUAL WASTEWATER DISCHARGE PERMIT;
- (2) CURRENTLY USE CONTROL AND TREATMENT TECHNOLOGIES ADEQUATE TO ACHIEVE COMPLIANCE WITH THE APPLICABLE CATEGORICAL PRETREATMENT STANDARD, AND NOT HAVE USED DILUTION AS A SUBSTITUTE FOR TREATMENT;
- (3) PROVIDE SUFFICIENT INFORMATION TO ESTABLISH THE FACILITY'S ACTUAL AVERAGE DAILY FLOW RATE FOR ALL WASTE STREAMS, BASED ON DATA FROM A CONTINUOUS EFFLUENT FLOW MONITORING DEVICE, AS WELL AS THE FACILITY'S LONG-TERM AVERAGE PRODUCTION RATE; BOTH THE ACTUAL AVERAGE DAILY FLOW RATE AND THE LONG-TERM AVERAGE PRODUCTION RATE MUST BE REPRESENTATIVE OF CURRENT OPERATING CONDITIONS;
- (4) NOT HAVE DAILY FLOW RATES, PRODUCTION LEVELS, OR POLLUTANT LEVELS THAT VARY SO SIGNIFICANTLY THAT EQUIVALENT MASS LIMITS ARE NOT APPROPRIATE TO CONTROL THE DISCHARGE; AND
- (5) HAVE CONSISTENTLY COMPLIED WITH ALL APPLICABLE CATEGORICAL PRETREATMENT STANDARDS PRIOR TO THE INDUSTRIAL USER'S REQUEST FOR EQUIVALENT MASS LIMITS.

(d) AN INDUSTRIAL USER SUBJECT TO EQUIVALENT MASS LIMITS MUST:

- (1) MAINTAIN AND EFFECTIVELY OPERATE CONTROL AND TREATMENT TECHNOLOGIES ADEQUATE TO ACHIEVE COMPLIANCE WITH THE EQUIVALENT MASS LIMITS;
- (2) CONTINUE TO RECORD THE FACILITY'S FLOW RATES THROUGH THE USE OF A CONTINUOUS EFFLUENT FLOW MONITORING DEVICE;

- (3) CONTINUE TO RECORD THE FACILITY'S PRODUCTION RATES AND NOTIFY THE DIRECTOR WHENEVER PRODUCTION RATES ARE EXPECTED TO VARY BY MORE THAN 20 PERCENT FROM ITS BASELINE PRODUCTION RATES DETERMINED IN SECTION 28-45.3(c)(3); UPON NOTIFICATION OF A REVISED PRODUCTION RATE, THE DIRECTOR WILL REASSESS THE EQUIVALENT MASS LIMIT AND REVISE THE LIMIT AS NECESSARY TO REFLECT CHANGED CONDITIONS AT THE FACILITY; AND
- (4) CONTINUE TO EMPLOY THE SAME OR COMPARABLE WATER CONSERVATION METHODS AND TECHNOLOGIES AS THOSE IMPLEMENTED PURSUANT TO SECTION 28-45.3(a) SO LONG AS IT DISCHARGES UNDER AN EQUIVALENT MASS LIMIT.
- (e) WHEN DEVELOPING EQUIVALENT MASS LIMITS, THE DIRECTOR:
- (1) WILL CALCULATE THE EQUIVALENT MASS LIMIT BY MULTIPLYING THE ACTUAL AVERAGE DAILY FLOW RATE OF THE REGULATED PROCESS(ES) OF THE INDUSTRIAL USER BY THE CONCENTRATION-BASED DAILY MAXIMUM AND MONTHLY AVERAGE STANDARD FOR THE APPLICABLE CATEGORICAL PRETREATMENT STANDARD AND THE APPROPRIATE UNIT CONVERSION FACTOR;
- (2) UPON NOTIFICATION OF A REVISED PRODUCTION RATE, WILL REASSESS THE EQUIVALENT MASS LIMIT AND RECALCULATE THE LIMIT AS NECESSARY TO REFLECT CHANGED CONDITIONS AT THE FACILITY; AND
- (3) MAY RETAIN THE SAME EQUIVALENT MASS LIMIT IN SUBSEQUENT INDIVIDUAL WASTEWATER DISCHARGE PERMIT TERMS IF THE INDUSTRIAL USER'S ACTUAL AVERAGE DAILY FLOW RATE WAS REDUCED SOLELY AS A RESULT OF THE IMPLEMENTATION OF WATER CONSERVATION METHODS AND TECHNOLOGIES, AND THE ACTUAL AVERAGE DAILY FLOW RATES USED IN THE ORIGINAL CALCULATION OF THE EQUIVALENT MASS LIMIT WAS NOT BASED ON THE USE OF DILUTION AS A SUBSTITUTE FOR TREATMENT PURSUANT TO SECTION 28-8(g); THE INDUSTRIAL USER MUST ALSO BE IN COMPLIANCE WITH SECTION 28-11.1 REGARDING THE PROHIBITION OF BYPASS.
- (f) THE DIRECTOR MAY CONVERT THE MASS LIMITS OF THE CATEGORICAL PRETREATMENT STANDARDS OF 40 CFR PARTS 414, 419, AND 455 TO CONCENTRATION LIMITS FOR PURPOSES OF CALCULATING LIMITATIONS APPLICABLE TO INDIVIDUAL INDUSTRIAL USERS. THE CONVERSION IS AT THE SOLE DISCRETION OF THE DIRECTOR.
- (g) ONCE INCLUDED IN ITS PERMIT, THE INDUSTRIAL USER MUST COMPLY WITH THE EQUIVALENT LIMITATIONS DEVELOPED IN THIS SECTION IN

LIEU OF THE PROMULGATED CATEGORICAL PRETREATMENT STANDARDS FROM WHICH THE EQUIVALENT LIMITATIONS WERE DERIVED.

- (h) MANY CATEGORICAL PRETREATMENT STANDARDS SPECIFY ONE LIMIT FOR CALCULATING MAXIMUM DAILY DISCHARGE LIMITATIONS AND A SECOND LIMIT FOR CALCULATING MAXIMUM MONTHLY AVERAGE, OR FOUR-DAY AVERAGE, LIMITATIONS. WHERE SUCH STANDARDS ARE BEING APPLIED, THE SAME PRODUCTION OR FLOW FIGURE WILL BE USED TO CALCULATE BOTH THE AVERAGE AND THE MAXIMUM EQUIVALENT LIMITATION.
- (i) ANY INDUSTRIAL USER OPERATING UNDER A PERMIT INCORPORATING EQUIVALENT MASS OR CONCENTRATION LIMITS CALCULATED FROM A PRODUCTION-BASED STANDARD MUST NOTIFY THE DIRECTOR WITHIN TWO BUSINESS DAYS AFTER THE USER HAS A REASONABLE BASIS TO KNOW THAT THE PRODUCTION LEVEL WILL SIGNIFICANTLY CHANGE WITHIN THE NEXT CALENDAR MONTH. ANY USER THAT FAILS TO NOTIFY THE DIRECTOR OF SUCH ANTICIPATED CHANGE WILL BE REQUIRED TO MEET THE MASS OR CONCENTRATION LIMITS IN ITS PERMIT THAT WERE BASED ON THE ORIGINAL ESTIMATE OF THE LONG-TERM AVERAGE PRODUCTION RATE.

Sec. 28-46. Authority of the Director.

The Director is authorized to enforce POTW 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 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 five 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 nontransferable 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 runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;~~

~~(10) — May require implementation of best management practices to reduce or eliminate the amount of pollutants discharged to the POTW;~~

~~(11) — May contain standard permit conditions;~~

~~(12) — 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;~~

~~(13) — Reserved.~~

~~(b) — A permit may be revoked by the Director for good cause, including, but not limited to:~~

~~(i) — Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;~~

~~(ii) — Failure to provide prior notification to the Director of changed conditions pursuant to section 28-44(f);~~

- ~~(iii) — Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;~~
- ~~(iv) — Falsifying self-monitoring reports;~~
- ~~(v) — Tampering with monitoring equipment;~~
- ~~(vi) — Refusing to allow the Director timely access to the facility premises and records;~~
- ~~(vii) — Failure to meet effluent limitations;~~
- ~~(viii) — Failure to pay fines and penalties;~~
- ~~(ix) — Failure to pay sewer charges;~~
- ~~(x) — Failure to meet compliance schedules;~~
- ~~(xi) — Failure to complete a wastewater survey or the permit application;~~
- ~~(xii) — Failure to provide advance notice of the transfer of business ownership of a permitted facility; or~~
- ~~(xiii) — 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 POTW 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 POTW users and conduct those surveillance and inspection activities needed to identify, independently of any information supplied by such users, occasional or continuing noncompliance with any categorical standard or pretreatment requirement.~~

~~(f) — Investigate instances of noncompliance with any categorical standard or pretreatment requirement when notice of any actual or probable noncompliance has been received by the Director.~~

~~(g) — Notify POTW users of noncompliance with categorical standards or pretreatment requirements discovered by the Director. Such notice shall also contain a demand for any appropriate corrective action, which is necessary to meet the applicable requirements of this chapter. Any POTW 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 Code of Federal Regulations part 25 and A.R.S. § 49-391 in connection with the City's enforcement of any pretreatment standards and requirements.~~

~~(i) — Impose appropriate penalties for noncompliance 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.~~

~~(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 at 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 months. Thus, chronic and TRC SNC is determined four times during the year and the total evaluation period covers fifteen 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-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 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 adopt, implement and enforce a policy on waivers from the pH low and high limits.~~

Sec. 28-46. INDIVIDUAL AND GENERAL PERMITS.

(a) THE DIRECTOR MAY ISSUE OR AMEND CLASS A, B, AND C WASTEWATER DISCHARGE PERMITS AND AUTHORIZATIONS TO DISCHARGE UNDER A GENERAL PERMIT WITHIN 60 DAYS OF RECEIVING THE APPLICATION FOR SUCH PERMIT, AMENDED PERMIT, OR DISCHARGE AUTHORIZATION. IF ISSUED, A PERMIT WILL BE EFFECTIVE FOR A PERIOD OF TIME NOT TO EXCEED 5 YEARS, MAY BE AMENDED AS DEEMED APPROPRIATE BY THE DIRECTOR, AND MAY BE TERMINATED BY REVOCATION BY THE DIRECTOR OR UPON VOLUNTARY SURRENDER OF THE PERMIT BY THE PERMITTEE AT AN EARLIER DATE.

(b) CLASS A, B, AND C WASTEWATER DISCHARGE PERMITS AND AUTHORIZATIONS TO DISCHARGE UNDER A GENERAL PERMIT:

(1) ARE NONTRANSFERABLE BY THE PERMITTEE;

(2) WILL IDENTIFY ALL APPLICABLE DISCHARGE PROHIBITIONS AND LIMITATIONS THAT THE DIRECTOR WILL ENFORCE AND CONTAIN REQUIREMENTS FOR A PLAN TO CONTROL SLUG DISCHARGES AND SPILLS PER THE REQUIREMENTS IN SECTION 28-53;

(3) MAY CONTAIN MONITORING REQUIREMENTS, REPORTING REQUIREMENTS, AND REQUIRED NOTIFICATIONS;

(4) MAY CONTAIN REQUIREMENTS FOR INSTALLATION AND MAINTENANCE OF INSPECTION AND SAMPLING FACILITIES; AND

(5) MAY CONTAIN STANDARD PERMIT CONDITIONS AND OTHER CONDITIONS AND REQUIREMENTS AS DEEMED REASONABLY NECESSARY BY THE DIRECTOR TO REDUCE OR ELIMINATE THE AMOUNT OF POLLUTANTS DISCHARGED TO THE POTW, PREVENT PASS-THROUGH OR INTERFERENCE, PROTECT THE QUALITY OF THE WATER BODY RECEIVING THE TREATMENT PLANT'S EFFLUENT, PROTECT WORKER HEALTH AND SAFETY, FACILITATE SLUDGE MANAGEMENT AND DISPOSAL, PROTECT AGAINST DAMAGE TO THE POTW, AND ENSURE USER COMPLIANCE WITH THIS CHAPTER AND STATE AND FEDERAL LAWS, RULES, AND REGULATIONS.

(c) IN ADDITION TO ANY OTHER REMEDIES AS PROVIDED IN THIS CHAPTER, THE DIRECTOR MAY DENY OR REVOKE CLASS A, B, AND C WASTEWATER DISCHARGE PERMITS AND AUTHORIZATIONS TO DISCHARGE UNDER A GENERAL PERMIT FOR GOOD CAUSE, INCLUDING, BUT NOT LIMITED TO:

(1) FAILURE TO COMPLETE A WASTEWATER SURVEY OR A PERMIT APPLICATION OR MISREPRESENTATION OR FAILURE TO FULLY DISCLOSE ALL RELEVANT FACTS IN THE WASTEWATER DISCHARGE PERMIT APPLICATION;

(2) FAILURE TO NOTIFY THE DIRECTOR OF SIGNIFICANT CHANGES TO THE WASTEWATER VOLUME OR QUALITY PRIOR TO THE CHANGED DISCHARGE;

(3) FAILURE TO MEET EFFLUENT LIMITATIONS;

(4) FALSIFYING SELF-MONITORING REPORTS;

(5) TAMPERING WITH MONITORING EQUIPMENT;

(6) REFUSING TO ALLOW A DEPARTMENT REPRESENTATIVE FREE ACCESS TO THE FACILITY PREMISES AND RECORDS;

(7) FAILURE TO PAY SEWER CHARGES, FINES AND PENALTIES;

(8) FAILURE TO MEET COMPLIANCE SCHEDULES;

(9) FAILURE TO PROVIDE ADVANCE NOTICE OF THE TRANSFER OF BUSINESS OWNERSHIP OF A PERMITTED FACILITY; AND

(10) VIOLATION OF ANY PRETREATMENT STANDARD OR REQUIREMENT, OR ANY TERMS OF THE PERMIT OR REQUIREMENT OF THIS CHAPTER.

Sec. 28-46.1. Permit appeals process.

(a) Any permit applicant or permittee (~~aggrieved party~~) may petition the Director to reconsider the conditions and limitations of a permit issued or amended under the authority of section 28-46(a) by filing a petition for review with the Director within ~~twenty~~20 days of receipt of the permit.~~(b)~~ Failure to submit a timely petition for review WILL ~~shall~~ be deemed to be a waiver of the administrative appeal.

~~(eb)~~ In its petition, the ~~aggrieved party~~PETITIONER must identify the permit provisions objected to, specify in detail the reasons for objection, and present the alternative conditionS OR PROVISIONS, if any, it seeks to place in the permit.

~~(d)~~ The provisions of the permit that are not objected to shall not be stayed pending the appeal.

~~(ec)~~ If the Director ~~fails to act~~DOES NOT ACT ON THE APPEAL within ~~thirty~~30 days from receipt of the petition, it ~~shall~~THE PETITION WILL be deemed to be denied. Decisions not to reconsider the issued or amended permit, not to issue a permit, or not to amend a permit ~~shall be considered~~ARE final administrative actions for purposes of judicial review. A PETITIONER MAY SEEK JUDICIAL REVIEW OF THE FINAL PERMIT DECISION BY SPECIAL ACTION TO THE SUPERIOR COURT FOR MARICOPA COUNTY, ARIZONA.

~~(f)~~ The aggrieved party seeking judicial review of the final permit decision may file a complaint with the Superior Court for Maricopa County, Arizona.

Sec. 28-46.2. PRETREATMENT PROGRAM COMPLIANCE.

THE DIRECTOR MAY TAKE THE FOLLOWING ACTIONS TO DETERMINE USER COMPLIANCE WITH PRETREATMENT STANDARDS OR REQUIREMENTS:

(a) RECEIVE AND ANALYZE ALL SELF-MONITORING REPORTS AND NOTICES SUBMITTED BY INDUSTRIAL USERS;

(b) RANDOMLY SAMPLE AND ANALYZE EFFLUENT FROM POTW USERS AND CONDUCT THOSE SURVEILLANCE AND INSPECTION ACTIVITIES NEEDED TO IDENTIFY, INDEPENDENTLY OF ANY INFORMATION SUPPLIED BY SUCH USERS, OCCASIONAL OR CONTINUING NONCOMPLIANCE WITH ANY PRETREATMENT STANDARD OR PRETREATMENT REQUIREMENT; AND

(c) INVESTIGATE INSTANCES OF NONCOMPLIANCE WITH ANY PRETREATMENT STANDARD OR PRETREATMENT REQUIREMENT WHEN NOTICE OF ANY ACTUAL OR PROBABLE NONCOMPLIANCE HAS BEEN RECEIVED BY THE DEPARTMENT.

Sec. 28-46.3. PRETREATMENT PROGRAM NONCOMPLIANCE.

THE DIRECTOR MAY NOTIFY POTW USERS OF NONCOMPLIANCE WITH PRETREATMENT STANDARDS OR PRETREATMENT REQUIREMENTS. SUCH

NOTICE WILL CONTAIN A DEMAND FOR ANY APPROPRIATE CORRECTIVE ACTION THAT THE DIRECTOR DEEMS NECESSARY TO MEET THE APPLICABLE REQUIREMENTS OF THIS CHAPTER. ANY POTW USER WILL BE ALLOWED THE OPPORTUNITY TO RESPOND TO AN ORDER OF THE DIRECTOR BEFORE ENFORCEMENT ACTION AGAINST SUCH USER IS INITIATED, UNLESS THE ACTUAL OR POTENTIAL DISCHARGE IS A THREAT TO THE PUBLIC HEALTH, SAFETY, AND WELFARE, IN WHICH CASE THE DIRECTOR MAY INITIATE ENFORCEMENT ACTION WITHOUT GIVING NOTICE.

Sec. 28-46.4. PRETREATMENT PROGRAM SIGNIFICANT NONCOMPLIANCE.

THE DIRECTOR MAY DETERMINE A USER IS IN A STATE OF SIGNIFICANT NONCOMPLIANCE WHEN VIOLATIONS MEET ONE OR MORE OF THE FOLLOWING CRITERIA:

(a) CHRONIC VIOLATIONS OF WASTEWATER DISCHARGE LIMITS, DEFINED HERE AS THOSE IN WHICH 66 PERCENT OR MORE OF ALL OF THE MEASUREMENTS TAKEN FOR THE SAME POLLUTANT DURING A SIX-MONTH PERIOD EXCEED (BY ANY MAGNITUDE) A NUMERIC PRETREATMENT STANDARD OR REQUIREMENT INCLUDING INSTANTANEOUS LIMITS;

(b) TECHNICAL REVIEW CRITERIA (TRC) VIOLATIONS, DEFINED HERE AS THOSE IN WHICH 33 PERCENT OR MORE OF ALL OF THE MEASUREMENTS FOR EACH POLLUTANT PARAMETER TAKEN DURING A SIX-MONTH PERIOD EQUALS OR EXCEEDS THE PRODUCT OF THE NUMERIC PRETREATMENT STANDARD OR REQUIREMENT INCLUDING INSTANTANEOUS LIMITS MULTIPLIED BY THE APPLICABLE CRITERIA (1.4 FOR BOD, TSS, FATS, OIL, AND GREASE, AND 1.2 FOR ALL OTHER POLLUTANTS EXCEPT PH);

(c) ANY OTHER VIOLATION OF A PRETREATMENT STANDARD OR REQUIREMENT (DAILY MAXIMUM, LONG-TERM AVERAGE, INSTANTANEOUS LIMIT, OR NARRATIVE STANDARD) THAT THE DIRECTOR 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;

(d) ANY DISCHARGE OF A POLLUTANT THAT HAS CAUSED IMMINENT ENDANGERMENT TO THE HEALTH OR WELFARE OF ANY PERSON OR TO THE ENVIRONMENT, OR HAS RESULTED IN THE POTW'S EXERCISE OF ITS EMERGENCY AUTHORITY UNDER THIS CHAPTER TO HALT OR PREVENT SUCH A DISCHARGE;

(e) FAILURE TO MEET, WITHIN 90 DAYS AFTER THE SCHEDULE DATE, A COMPLIANCE SCHEDULE MILESTONE CONTAINED IN A DISCHARGE PERMIT OR ENFORCEMENT ORDER FOR STARTING CONSTRUCTION, COMPLETING CONSTRUCTION, OR ATTAINING FINAL COMPLIANCE;

(f) FAILURE TO PROVIDE, WITHIN 45 DAYS AFTER THE DUE DATE, REQUIRED REPORTS SUCH AS BASELINE MONITORING REPORTS, 90-DAY COMPLIANCE REPORTS, REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINES, PERIODIC SELF-MONITORING REPORTS, AND REPORTS ON COMPLIANCE WITH COMPLIANCE SCHEDULES;

(g) FAILURE TO ACCURATELY REPORT NONCOMPLIANCE; AND

(h) ANY OTHER VIOLATION OR GROUP OF VIOLATIONS, WHICH MAY INCLUDE A VIOLATION OF BEST MANAGEMENT PRACTICES, THAT THE DIRECTOR DETERMINES WILL ADVERSELY AFFECT THE OPERATION OR IMPLEMENTATION OF THE LOCAL PRETREATMENT PROGRAM.

Sec. 28-46.5. RESPONSE TO PRETREATMENT PROGRAM NONCOMPLIANCE.

THE DIRECTOR MAY TAKE THE FOLLOWING ACTIONS WHEN A USER HAS VIOLATED, OR CONTINUES TO VIOLATE, ANY PROVISION OF THIS CHAPTER, AN INDIVIDUAL WASTEWATER DISCHARGE PERMIT, AN ORDER ISSUED HEREUNDER, OR ANY OTHER PRETREATMENT STANDARD OR REQUIREMENT:

(a) ISSUE A WRITTEN NOTICE OF VIOLATION;

(b) ISSUE A NOTICE OF SHOW CAUSE ORDERING A USER TO APPEAR BEFORE THE DIRECTOR AND SHOW CAUSE WHY THE PROPOSED ENFORCEMENT ACTION SHOULD NOT BE TAKEN;

(c) ENTER INTO CONSENT ORDER ESTABLISHING AN AGREEMENT WITH ANY USER RESPONSIBLE FOR NONCOMPLIANCE THAT INCLUDES SPECIFIC ACTION TO BE TAKEN BY THE USER TO CORRECT THE NONCOMPLIANCE WITHIN A TIME PERIOD SPECIFIED BY THE DOCUMENT;

(d) ISSUE A COMPLIANCE ORDER DIRECTING THE USER RESPONSIBLE FOR THE DISCHARGE TO COME INTO COMPLIANCE WITHIN A SPECIFIED TIME; AND

(e) ISSUE AN ORDER TO THE USER DIRECTING IT TO CEASE AND DESIST ALL SUCH VIOLATIONS AND DIRECTING THE USER TO IMMEDIATELY TAKE SUCH APPROPRIATE ACTION NEEDED TO PROPERLY ADDRESS A CONTINUING OR THREATENED VIOLATION INCLUDING HALTING OPERATIONS AND TERMINATING THE DISCHARGE.

(f) PETITION THE MARICOPA COUNTY SUPERIOR COURT THROUGH THE CITY ATTORNEY FOR THE ISSUANCE OF A TEMPORARY OR PERMANENT INJUNCTION, AS APPROPRIATE, WHICH RESTRAINS OR COMPELS THE

SPECIFIC PERFORMANCE OF THE WASTEWATER DISCHARGE PERMIT, ORDER, OR OTHER REQUIREMENT IMPOSED BY THIS CHAPTER ON THE ACTIVITIES OF THE PERSON.

Sec. 28-46.6. PENALTIES FOR PRETREATMENT PROGRAM NONCOMPLIANCE.

THE DIRECTOR MAY IMPOSE PENALTIES FOR NONCOMPLIANCE INCLUDING ANY OR ALL OF THE FOLLOWING:

- (a) SUSPENSION OR REVOCATION OF ANY INDUSTRIAL USER PERMIT FOR THE FAILURE OF AN INDUSTRIAL USER TO COMPLY WITH THE PERTINENT REQUIREMENTS OF SUCH PERMIT;
- (b) TERMINATION OF POTW SERVICES;
- (c) RESTRICTING OR OTHERWISE LIMITING ALLOWABLE DISCHARGES; AND
- (d) REQUESTING THAT THE CITY ATTORNEY COMMENCE A CRIMINAL OR CIVIL ACTION AGAINST ANY USER VIOLATING ANY REQUIREMENT OF THIS CHAPTER.

Sec. 28-46.7. PUBLIC PARTICIPATION AND NOTIFICATION.

THE DIRECTOR WILL:

- (a) COMPLY WITH THE PUBLIC PARTICIPATION REQUIREMENTS OF 40 CFR PART 25 AND § 49-391 OF THE ARIZONA REVISED STATUTES IN CONNECTION WITH THE CITY'S ENFORCEMENT OF ANY PRETREATMENT STANDARDS AND REQUIREMENTS;
- (b) ANNUALLY PUBLISH IN A NEWSPAPER OF GENERAL CIRCULATION THAT PROVIDES MEANINGFUL PUBLIC NOTICE WITHIN THE JURISDICTIONS SERVED BY THE POTW PUBLIC NOTICE OF ALL INDUSTRIAL USERS WHO AT LEAST ONCE DURING THE PRIOR CALENDAR YEAR WERE IN SIGNIFICANT NONCOMPLIANCE AND SUMMARIZE ANY ENFORCEMENT ACTIONS TAKEN AGAINST SUCH USERS;
- (c) 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; AND
- (d) MAINTAIN ONE 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.

Sec. 28-46.8. POTW USERS OUTSIDE CITY JURISDICTIONAL BOUNDARIES.

THE DIRECTOR MAY INCORPORATE THE PERTINENT REQUIREMENTS OF THIS CHAPTER INTO EVERY CITY CONTRACT WITH ANY POTW 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.

Sec. 28-47. Confidential information ~~TRADE SECRET~~ PROTECTION.

- (a) USER ACKNOWLEDGES AND AGREES THAT THE ARIZONA PUBLIC RECORDS ACT APPLIES TO PUBLIC RECORDS POSSESSED BY THE DEPARTMENT. ACCORDINGLY, information and data on a user obtained from reports, SURVEYS questionnaires, WASTEWATER DISCHARGE permit applications, INDIVIDUAL WASTEWATER DISCHARGE permits, GENERAL PERMITS, and monitoring programs, and from THE DEPARTMENT'S inspections shall AND SAMPLING ACTIVITIES WILL be available to the public or other governmental agency without restriction, unless the user specifically requests BELIEVES and is able to demonstrate to the satisfaction of the City DEPARTMENT that the release of such information would divulge information, processes, or methods of production entitled to protection UNDER THE LAW as trade secrets of the user.
- (b) To claim this trade secret protection, the user must specify at the time of submitting his ITS reports or information, TO THE DEPARTMENT THE SPECIFIC INFORMATION that part he THE USER desires to protect BY MARKING THAT INFORMATION AS "CONFIDENTIAL - TRADE SECRET" ON EACH PAGE. When requested by the person A USER furnishing a report OR INFORMATION CONTAINING TRADE SECRET INFORMATION, the portions of a THE report OR INFORMATION THAT which might disclose trade secrets or secret processes shall WILL not be made available for inspection by the public, but shall be made WILL REMAIN available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES OR AZPDES PROGRAMS) permit, [or] State disposal system permit and/ or the pretreatment programs; provided, however, that such portions of a report shall WILL be available for use by the City, the Sstate or any Sstate agency in judicial review or enforcement proceedings involving the person furnishing OF the report. Wastewater constituents and characteristics will not be recognized as TRADE SECRET OR confidential information.
- (c) IF THE DEPARTMENT RECEIVES A REQUEST FROM THE PUBLIC TO REVIEW A USER'S TRADE SECRET INFORMATION, THE

DEPARTMENT WILL NOTIFY THE USER OF THE REQUEST AND INFORM THE USER THAT IT MUST PRESENT THE DEPARTMENT WITH A COURT ORDER WITHIN 5 BUSINESS DAYS PROHIBITING DISCLOSURE OF THE USER'S TRADE SECRET INFORMATION. IF THE DEPARTMENT DOES NOT RECEIVE A COURT ORDER PROHIBITING DISCLOSURE, THE USER AGREES AND ACCEPTS THE DEPARTMENT MAY DISCLOSE USER'S TRADE SECRET INFORMATION UNDER ARIZONA'S PUBLIC RECORDS LAW.

Sec. 28-48—28-52. Reserved.

ARTICLE VII. ACCIDENTAL DISCHARGE

Sec. 28-53. ~~Permittee provides protection~~ ACCIDENTAL OR SLUG DISCHARGE CONTROL PLANS.

~~Each permittee shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter.~~ THE DIRECTOR MAY REQUIRE A USER TO DEVELOP, SUBMIT FOR APPROVAL, AND IMPLEMENT A PLAN OR TAKE SUCH OTHER ACTION THAT MAY BE NECESSARY TO CONTROL ACCIDENTAL OR SLUG DISCHARGES. AN ACCIDENTAL OR SLUG DISCHARGE CONTROL PLAN MUST ADDRESS, AT A MINIMUM, THE FOLLOWING:

- (a) DESCRIPTION OF DISCHARGE PRACTICES, INCLUDING NONROUTINE BATCH DISCHARGES;
- (b) DESCRIPTION OF STORED CHEMICALS;
- (c) PROCEDURES FOR IMMEDIATELY NOTIFYING THE DIRECTOR OF ANY ACCIDENTAL OR SLUG DISCHARGE, AS REQUIRED BY SECTION 28-54; AND
- (d) PROCEDURES TO PREVENT ADVERSE IMPACT FROM ANY ACCIDENTAL OR SLUG DISCHARGE. SUCH PROCEDURES INCLUDE, BUT ARE NOT LIMITED TO, INSPECTION AND MAINTENANCE OF STORAGE AREAS, HANDLING AND TRANSFER OF MATERIALS, LOADING AND UNLOADING OPERATIONS, CONTROL OF PLANT SITE RUNOFF, WORKER TRAINING, BUILDING OF CONTAINMENT STRUCTURES OR EQUIPMENT, MEASURES FOR CONTAINING TOXIC ORGANIC POLLUTANTS, INCLUDING SOLVENTS, AND MEASURES AND EQUIPMENT FOR EMERGENCY RESPONSE.

Sec. 28-54. Permittee shall notify City of a Accidental OR SLUG discharge NOTIFICATION.

~~For countermeasures to be taken by the City to minimize damage to the sanitary sewer system and/or degradation of the receiving waters, the permittee shall notify the City immediately upon accidentally discharging wastes in violation of this chapter. This notification shall be followed within five days of the date of occurrence by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent a future occurrence. Such notification will not relieve permittee of liability for any expense, loss or damage to the sanitary sewer system, or for any fines imposed on the City on account thereof and/or for any enforcement action pursuant to this occurrence.~~
(a) IN THE CASE OF ANY DISCHARGE, INCLUDING, BUT NOT LIMITED TO, ACCIDENTAL DISCHARGES, DISCHARGES OF A NON-ROUTINE, EPISODIC NATURE, A NON-CUSTOMARY BATCH DISCHARGE, A SLUG DISCHARGE OR SLUG LOAD, THAT MIGHT CAUSE POTENTIAL PROBLEMS FOR THE POTW, THE USER MUST IMMEDIATELY TELEPHONE AND NOTIFY DEPARTMENT OF THE INCIDENT. THIS NOTIFICATION MUST INCLUDE THE LOCATION OF THE DISCHARGE, TYPE OF WASTE, CONCENTRATION AND VOLUME, IF KNOWN, AND CORRECTIVE ACTIONS TAKEN BY THE USER.

(b) WITHIN 5 DAYS FOLLOWING SUCH DISCHARGE, THE USER MUST, UNLESS WAIVED BY THE DIRECTOR, SUBMIT A DETAILED WRITTEN REPORT TO THE DEPARTMENT DESCRIBING THE CAUSE OF THE DISCHARGE AND THE MEASURES TO BE TAKEN BY THE USER TO PREVENT SIMILAR FUTURE OCCURRENCES. SUCH NOTIFICATION WILL NOT RELIEVE THE USER OF ANY EXPENSE, LOSS, DAMAGE, OR OTHER LIABILITY THAT MIGHT BE INCURRED AS A RESULT OF DAMAGE TO THE POTW, NATURAL RESOURCES, OR ANY OTHER DAMAGE TO PERSON OR PROPERTY; NOR WILL SUCH NOTIFICATION RELIEVE THE USER OF ANY FINES, PENALTIES, OR OTHER LIABILITY THAT MAY BE IMPOSED PURSUANT TO THIS CHAPTER.

Sec. 28-55. Permittee will notify employees USER EMPLOYEE NOTICE.

(a) A WORKPLACE NOTICE MUST BE PERMANENTLY POSTED ON THE USER'S BULLETIN BOARD OR OTHER PROMINENT PLACE ADVISING EMPLOYEES WHO TO CALL IN THE EVENT OF A DISCHARGE DESCRIBED IN SECTION 28-54. EMPLOYERS MUST ENSURE THAT ALL EMPLOYEES ARE ADVISED OF THE EMERGENCY NOTIFICATION PROCEDURE.

~~(b) In order that officers, agents and employees of permittees will be~~
THE USER ARE informed of the City's requirements OF THIS CHAPTER AND THE USER'S PERMIT, permittees shall THE USER MUST make available to their employees copies of this chapter together with such other wastewater information and notices which THAT may be furnished by the City from time to time for the purpose of improving and making ENSURING more effective water pollution control. A notice shall be furnished

~~and permanently posted on the permittee's bulletin board advising officers, agents and employees who to call in case of an accidental discharge in excess of the limits authorized by the permit.~~

Sec. 28-56. ~~Permittee shall label~~LABELING potential accidental discharge points.

Any possible connection or entry point for a hazardous ~~and/or~~ prohibited substance to the ~~permittee's~~USER'S plumbing or drainage system shall MUST be appropriately labeled BY THE USER to warn operating personnel against discharge of such substance in violation of this chapter.

ARTICLE VIII. CITIZENS' WASTEWATER RATE ADVISORY COMMITTEE

Sec. 28-57. Citizens' Wastewater Rate Advisory Committee—Composition; appointment.

There is hereby created, constituted, and established a Citizens' Wastewater Rate Advisory Committee hereinafter referred to as Committee. The members of the Committee shall WILL be the same ~~nine~~9 members of the Citizens' Water Rate Advisory Committee established by section 37-102.

The Water Rate Advisory Committee shall WILL have the power to set and act as the Committee subject to the provisions governing their creation, appointment, and rules as set forth in sections 37-102, AND 37-104, ~~37-105, 37-106, and 37-107~~ with the additional functions, purposes, and duties set forth in SECTION 28-58.

Sec. 28-58. Citizens' Wastewater Rate Advisory Committee—Functions and purposes.

The functions, purposes, and duties of the Committee shall ~~be~~ARE TO:

- ~~(a) Act as an advisory body to the City Manager and City Council on wastewater rate and fee structure formulation within limits established by EPA regulations;~~
- ~~(b)~~ (ba) Annually review the wastewater revenue requirements of the wastewater system and recommend through the City Manager to the City Council rate and fee adjustments; AND
- ~~(c) Annually review the wastewater SROG fund revenue requirements and recommend through the City Manager to the City Council and to the Multicity Subregional Operating Group Committee, wastewater charges to support these revenue requirements;~~

(eb) Consult with the City Manager and the City Council from time to time as may be required by the City Manager and the City Council relative to wastewater system financial needs.

Sec. 28-59—28-70. Reserved.

ARTICLE IX. RESERVED

Sec. 28-71—28-80.1. Reserved.

ARTICLE X. ENFORCEMENT

Sec. 28-81. Enforcement of chapter.

The rules and regulations of this chapter are made for the benefit of the users of the POTW~~City sewage works~~, for the protection of the POTW~~sewage works~~, and to protect the quality of the effluent FROM THE WASTEWATER~~of the sewage treatment plants~~. Their enforcement OF THE RULES AND REGULATIONS OF THIS CHAPTER ~~shall~~MAY in no case be willfully ignored by any City official, ~~or~~CITY employee, OR DEPARTMENT REPRESENTATIVE. With the exception of applicable ~~S~~state and federal requirements, such as the pretreatment regulations, the Director may, ~~at his discretion,~~ order a suspension of a requirement that would cause a gross injustice to a particular user of the system.

Sec. 28-82. Criminal penalty.

NO PERSON MAY INTENTIONALLY OR KNOWINGLY DEFACE, DAMAGE, USE WITHOUT AUTHORITY OR INTERFERE WITH ANY COMPONENT OR FACILITY OF THE POTW. Any person who violates any provision of this chapter ~~shall be~~is guilty of a CLASS 1 misdemeanor and any such violation ~~shall constitute~~s a separate offense on each successive day the violation continues.

Sec. 28-83. Civil penalty.

(a) Any person who violates any provision of ~~A~~article II, entitled "Use of Public Sewers and Limitations," ~~A~~article VI, entitled "Industrial User and Pretreatment Requirements," and/or ~~A~~article VII, entitled "Accidental Discharge," ~~shall be civilly liable to the City for a sum not to exceed twenty five thousand dollars~~OF THIS CHAPTER IS SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN \$1,000 NOR MORE THAN \$25,000 per day for each violation. For continuing violations, each day ~~may constitute~~s a separate offense. In seeking the assessment of a civil penalty, the following criteria contained in A.R.S. § 49-391~~e~~(C) ~~shall~~WILL be considered:

1. The seriousness of the violation.
2. The economic benefit, if any, resulting from the violation.
3. Any history of such violation.
4. Any good faith efforts to comply with the applicable requirements.
5. The economic impact of the penalty on the violator.
6. Such other factors as justice may require.

(b) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS CHAPTER OTHER THAN THOSE IN ARTICLE II, VI, OR VII IS SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN \$250 NOR MORE THAN \$2,500 PER DAY FOR EACH VIOLATION. FOR CONTINUING VIOLATIONS, EACH DAY CONSTITUTES A SEPARATE OFFENSE.

(c) In addition to the civil penalty imposed herein, the person shall~~shall~~WILL be liable for any civil SANCTION OR penalty imposed on the City as a result of the violation.

(d) THE DIRECTOR MAY ISSUE A REQUEST FOR COMPLIANCE, NOTICE OF VIOLATION, AND CIVIL CITATION FOR A VIOLATION OF THIS CHAPTER. CIVIL CITATIONS WILL BE ISSUED AND PROSECUTED IN ACCORDANCE WITH THE LOCAL RULES OF PRACTICE AND PROCEDURES OF THE PHOENIX CITY COURT.

Sec. 28-84. Remedies.

(a) In addition to any civil and criminal penalty which may be imposed for violations of this chapter, a user shall~~shall~~WILL be liable for all actual costs ~~which~~THAT may be assessed by the Director on a user of the ~~POTW~~City's sewage works who discharges wastes containing non-permissible quantities of prohibited substances into the public sewer system. The Director ~~is authorized to~~MAY assess charges based on the extra costs incurred by the City in surveillance, sampling, and testing of the discharges, for additional operating and maintenance expenses, FOR EQUIPMENT AND FACILITY REPAIR AND REPLACEMENT COSTS, including overhead charges, and for any other action required to identify, handle, process, or supplement normal activities due to the unauthorized discharge of wastes.

(b) The Director ~~shall have the authority to discontinue~~MAY SUSPEND water and/or sewer service to a user for any of the following reasons:

- (1) Failure to pay a charge assessed by the Director for unauthorized discharges;
- (2) Failure to correct an unauthorized discharge as required by the Director;
- (3) Discharging any unauthorized substances, materials, water, or waste as prohibited by this chapter or by the Director; AND
- (4) For violation of any provision of this chapter.

(c) Before ~~discontinuing~~ SUSPENDING water or sewer service as provided herein the Director ~~shall~~ WILL give written notice to the user of the ~~discontinuance~~ SUSPENSION and an opportunity to appear before the Director on any disputed matter relative to the ~~discontinuance of sewer service~~ PROPOSED SUSPENSION, except that if a discharge is a threat to the public health, safety, and welfare, the ~~discontinuance of~~ DIRECTOR MAY SUSPEND water and or sewer service ~~may be~~ immediateLY and without notice. The ~~discontinuance~~ SUSPENSION of sewer service ~~shall~~ MAY be accomplished by physically cutting and blocking the building connection. The actual cost for disconnecting and ~~or~~ reconnecting the sewer service ~~shall~~ MUST be paid by the affected user to the ~~Water Services Department~~.

(d) Upon notice of the final determination by the Director of an assessment owing, the user ~~shall~~ MUST tender the fee allowed within ~~ten~~ 10 days of the date ordered by the Director.

(e) Any unauthorized discharge not corrected, or assessment not tendered is hereby declared to be, and is, a public nuisance, which may be abated by order of a court of competent jurisdiction and its continued operation is unlawful. The remedy provided herein ~~shall be~~ IS in addition to any other remedy authorized by this chapter.

Sec. 28-85. TERMS AND CONDITIONS OF SEWER SERVICE.

THE PROVISIONS OF THIS CHAPTER ARE THE TERMS AND CONDITIONS UNDER WHICH THE CITY PROVIDES SEWER SERVICE TO CUSTOMERS. BY RECEIVING SEWER SERVICE FROM THE CITY, THE CUSTOMER IS AGREEING TO THOSE TERMS AND CONDITIONS.

Sec. 28-86—28-89. Reserved.

ARTICLE XI. SEWER ENVIRONMENTAL CHARGE

Sec. 28-90. Definitions for article XI.

For the purposes of this article only, the following words and phrases, shall have the meanings specified in this section, unless from the content, a different meaning is clearly intended.

Advanced sewage treatment means additional treatment needed to remove suspended and dissolved substances not normally removed during secondary treatment including organic matter; suspended solids; inorganic ions such as calcium, phosphate, nitrate, and potassium; as well as synthetic organic compounds.

Air contaminant/odor control means a process ~~which~~THAT neutralizes air contaminants and odors emanating from sewage caused by the decomposition of organic matter in raw sewage and reduces such air contaminants or odors to the appropriate air discharge limitations.

Air stripping means a process utilized for the removal of ammonia ~~which~~THAT may be toxic to aquatic life, or for the removal of volatile organic compounds (VOCs), some of which are carcinogenic.

Biological nutrient removal (nitrification-denitrification) means a process by which the nitrogen content of sewage treatment plant effluent is decreased in order to reduce the growth of algae and aquatic plants in receiving waters. This process also lowers the content of ammonia, which is toxic to aquatic life, in treated sewage effluent.

Dechlorination means the process by which chlorine, which may be toxic to aquatic life, is removed from the treated sewage treatment plant effluent following disinfection.

Granular activated carbon treatment means a process in which non-volatile and semi-volatile organic compounds are removed through adsorption on the surface of carbon particles.

Secondary sewage treatment means treatment by which dissolved or suspended materials are converted through biological action and sedimentation to a form ~~which~~THAT allows more ready separation and results in a sewage treatment plant effluent ~~which~~THAT can be characterized by the following average constituent concentrations: (a) BOD: thirty milligrams per liter, (b) TSS~~suspended solids~~: thirty milligrams per liter, and (c) ph: 6.0 to 9.0

Water quality programs means programs required by the ~~National Pollutant Discharge Elimination System (NPDES)~~ permit OR AZPDES PERMIT for industrial pretreatment enforcement and monitoring, customer education, and plant laboratory analysis and monitoring.

Water reclamation means a process or series of processes by which suspended and dissolved solids remaining following secondary or advanced treatment are removed to a level which allows the sewage treatment plant effluent to be used beneficially. This may include flocculation, coagulation and filtration.

Sec. 28-91. Purpose of sewer environmental charge.

The purpose of the charge imposed by this article is to communicate costs for enhancing and maintaining the environment to customers by separating these costs from the costs reimbursed by sewer service charges and to reimburse the City for costs of meeting environmental standards at sewage treatment plants and environmental regulations related to water quality.

Sec. 28-92. Sewer environmental rate.

(a) In addition to other rates and charges set forth in this chapter, ~~there shall be charged monthly~~ the following sewer environmental rate for customers receiving City of Phoenix sewer service located within the City of Phoenix WILL BE CHARGED MONTHLY:

<i>User Category</i>	<i>Environmental Rate per Hundred Cubic Feet (CCF) March 1, 2016, to February 28, 2017</i>
Residential user	\$0.5350
Commercial and public user	\$0.5350
Industrial user	\$0.5350
<i>User Category</i>	<i>Environmental Rate per Hundred Cubic Feet (CCF) <u>EFFECTIVE</u> March 1, 2017, to February 28, 2018</i>
Residential user	\$0.5511

User Category	<i>Environmental Rate per Hundred Cubic Feet (CCF) <u>EFFECTIVE</u> March 1, 2017, to February 28, 2018</i>
Commercial and public user	\$0.5511
Industrial user	\$0.5511

(b) All customers served directly by the City of Phoenix and located outside the City of Phoenix's limits shall ~~shall~~ WILL be charged monthly a sewer environmental rate in the amount of one and one-half times the sewer environmental rate for the same classification of service PROVIDED inside the City of Phoenix.

Sec. 28-93. Payment of bills and charges.

(a) All sewer user accounts shall ~~shall~~ WILL be charged the monthly sewer environmental rate on the monthly utility bill ~~which sewer environmental rate shall be stated separately on the utility bill.~~

Sec. 28-94. Utilization of environmental charge revenues.

(a) Financial records shall ~~shall~~ WILL be maintained BY THE CITY for the proper distribution of sewer environmental charge revenues.

(b) ~~The utilization of the above revenues shall be as follows~~ SEWER ENVIRONMENTAL CHARGE REVENUE WILL BE UTILIZED BY THE CITY FOR THE PURPOSES BELOW:

(1) Operations, maintenance, and replacement costs for advanced sewage treatment processes required to meet environmental regulations; ~~These~~ these processes include biological nutrient removal (nitrification-denitrification), water reclamation, air stripping, air contaminant and odor control, granular activated carbon treatment, dichlorination, and other similar processes as deemed necessary by the ~~Water Services Director~~;

(2) Additional water quality programs required by ~~A the National Pollutant Discharge Elimination System (NPDES) permit~~ OR AZPDES PERMIT, and surface

water quality standards such as the industrial pretreatment enforcement and monitoring program, customer education, and plant laboratory analysis and monitoring.;

(3) Debt service, direct capital costs, and in lieu of property tax payments incurred for advanced sewage treatment facilities required because of environmental regulations. Such facilities are those listed in section 28-94(b)(1) above and other similar projects as deemed necessary by the ~~Water Services~~ Director as part of advanced sewage treatment facilities. AND

(4) Administrative allocation of functions that support direct advanced sewage treatment operations. Administrative functions include department and division indirect costs, central service costs from other City departments, and computer billing implementation costs.

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