



Agenda

Transportation, Infrastructure and Innovation Subcommittee

Wednesday, September 2, 2020

9:00 AM

phoenix.gov

OPTIONS TO ACCESS THIS MEETING

- **Watch** the meeting live streamed on phoenix.gov or Phoenix Channel 11 on Cox Cable.
- **Call-in** to listen to the meeting. Dial 602-666-0783 and Enter Meeting ID 126 852 1460# (for English) or 126 495 5270# (for Spanish). Press # again when prompted for attendee ID.
- **Register and speak during a meeting:**
 - Register online by visiting the City Council Meetings page on phoenix.gov at least 1 hour prior to the start of this meeting. Then, click on this link at the time of the meeting and join the Webex to speak: <https://phoenixcitycouncil.webex.com/phoenixcitycouncil/onstage/g.php?MTID=ed3b963561cef9a9385b0b4eae4d06a24>
 - Register via telephone at 602-262-6001 at least 1 hour prior to the start of this meeting, noting the item number. Then, use the Call-in phone number and Meeting ID listed above at the time of the meeting to call-in and speak.

(Per the most recent social distancing guidelines from the federal government, no residents will be allowed to attend the meeting in-person.)

CALL TO ORDER

CALL TO THE PUBLIC

MINUTES OF MEETINGS

- 1 **For Approval or Correction, the Minutes of the Transportation, Infrastructure and Innovation Subcommittee Meeting on March 4, 2020**

Page 11

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the City Manager's Office.

CONSENT ACTION (ITEMS 2-12)

2 American Airlines Passenger Boarding Bridges Page 20

This report requests the Transportation, Infrastructure and Innovation Subcommittee to recommend that the City Council approve the purchase of seven passenger boarding bridges (Bridges) from American Airlines for \$4.1 million in exchange for rent credits at the Phoenix Sky Harbor International Airport (Airport) terminals and airfield.

THIS ITEM IS FOR CONSENT ACTION.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.

3 Aircraft Rescue and Fire Fighting (ARFF) Foam Testing Equipment Page 22

This report requests the Transportation, Infrastructure and Innovation Subcommittee to recommend that the City Council authorize the City Manager, or his designee, to spend \$47,000 for a one-time purchase of NoFoam Systems (NoFoam) aqueous film forming foam (AFFF) testing equipment for the Aviation Department. The equipment consists of one portable system, one portable tank and hoses, five retrofit kits, and one portable hydrant meter, which will test the foam on five Station 19 apparatuses. Purchasing the AFFF testing equipment will allow the City to complete the 14 C.F.R. Part 139 required foam testing and confirm the correct consistency, according to FAA requirements, in the event of an aircraft crash or fire emergency requiring the use of the foam.

THIS ITEM IS FOR CONSENT ACTION.

Responsible Department

This item is submitted by the Deputy City Manager Mario Paniagua and the Aviation Department.

**4 Extend Guest Services and Customer Volunteer Management
Services Contract**

Page 24

This report requests the Transportation, Infrastructure and Innovation Subcommittee to recommend that the City Council authorize the City Manager, or his designee, to extend the five-year terms of Contract 142662 with ABM Aviation, Inc. (ABM) and Contract 142663 with Airport Terminal Services (ATS), and to increase the current \$8 million spending authority under the contracts by an amount not to exceed \$1.6 million for guest services and customer volunteer management services.

THIS ITEM IS FOR CONSENT ACTION.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.

5 Fine Art Cleaning and Maintenance

Page 26

This report requests the Transportation, Infrastructure and Innovation Subcommittee recommend City Council authorize the City Manager, or his designee, to enter into contracts with Freer Waters LLC, Erma Duran & Co. LLC, and Brian Stevenson (a sole proprietor doing business under the trade name Hammercraft) to provide fine art cleaning and maintenance services to the Aviation Department and the Phoenix Office of Arts and Culture. The cost of the contracts will not to exceed \$210,000 over the five-year terms of the contracts, if both options to extend the term are exercised.

THIS ITEM IS FOR CONSENT ACTION.

Responsible Department

This item is submitted by Deputy City Managers Mario Paniagua and Karen Peters, the Aviation Department, and the Phoenix Office of Arts and Culture.

6 Billboard Outdoor Advertising Revenue Contract Solicitation Request to Issue at Phoenix Sky Harbor International Airport **Page 28**

This report requests the Transportation, Infrastructure, and Innovation Subcommittee to recommend that the City Council approve the issuance of a Revenue Contract Solicitation (RCS) for an outdoor advertising company to install, upgrade, maintain, and manage advertising for five billboards located at Phoenix Sky Harbor International Airport.

THIS ITEM IS FOR CONSENT ACTION.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.

7 Arizona Department of Public Safety Corporate Hangar Lease Extension **Page 30**

This report requests the Transportation, Infrastructure and Innovation Subcommittee to recommend that the City Council approval of the amendment of Department of Public Safety (DPS) Corporate Hangar Lease Agreement 142410 (Lease) at Phoenix Sky Harbor International Airport (PHX) by extending the term three years and including one one-year option to extend the term.

THIS ITEM IS FOR CONSENT ACTION.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.

8 Phoenix Deer Valley Airport Restaurant Revenue Contract Solicitation **Page 32**

This report requests the Transportation, Infrastructure and Innovation Subcommittee recommend City Council approval of the issuance of a Revenue Contract Solicitation (RCS) to develop, remodel, and operate a full-service restaurant at Phoenix Deer Valley Airport (DVT).

THIS ITEM IS FOR CONSENT ACTION.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.

9 Authorization to Amend Parking Meter Contract

Page 34

This report requests the Transportation, Infrastructure and Innovation Subcommittee recommend City Council approval to amend existing Contract 135354 with IPS Group Inc. (IPS) to extend the term of the contract one year. There is no additional financial impact to the City.

THIS ITEM IS FOR CONSENT ACTION.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.

10 Maricopa Association of Governments Transportation Projects in Fiscal Years 2021, 2022, 2023 and 2024

Page 36

This report requests the Transportation, Infrastructure and Innovation Subcommittee recommend City Council approval to apply for, accept and if awarded, enter into agreements for transportation funding through the Maricopa Association of Governments (MAG) for Congestion Management Air Quality (CMAQ) PM-10 Certified Street Sweepers, Road Safety Program (RSP), and Transportation Alternatives (TA) Non-Infrastructure Safe Routes to School. Further request an exemption from the indemnification prohibition set forth in the Phoenix City Code section 42-18 for a governmental entity pursuant to Phoenix City Code section 42-20 if funding is received. If awarded the total \$4 million in requested funding, the City's estimated participation will not exceed \$228,000 (5.7 percent of the total project costs).

THIS ITEM IS FOR CONSENT ACTION.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.

11 South Central Exntesion/Downtown Hub Project Funding Agreement Amendment

Page 38

This report requests the Transportation, Infrastructure and Innovation Subcommittee recommend approval to City Council to approve an amendment to the current funding agreement with Valley Metro Rail (VMR) for the South Central Extension/Downtown Hub project for an amount not-to-exceed \$350 million to fund the remainder of the project costs. Federal Capital Investment Grant (CIG) funded costs will be reimbursed by the Federal Transit Administration (FTA) over several years, potentially beyond the construction schedule.

THIS ITEM IS FOR CONSENT ACTION.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.

12 Northwest Extension Phase II Funding, Design and Construction Agreement Amendment

Page 42

This report requests the Transportation, Infrastructure and Innovation Subcommittee recommend approval to City Council to approve an amendment to the current funding, design, and construction agreement with Valley Metro Rail (VMR) for the Northwest Extension Phase II (NWEII) project for an additional amount not-to-exceed \$200 million to fund the remainder of the project costs. Federal Capital Investment Grant (CIG) funded costs will be reimbursed by the Federal Transit Administration (FTA) over several years, potentially beyond the construction schedule.

THIS ITEM IS FOR CONSENT ACTION.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.

INFORMATION ONLY (ITEMS 13-16)

13 Metro, Regional Public Transportation Authority, and Maricopa Association of Governments Meetings Page 46

This report provides the Transportation, Infrastructure and Innovation Subcommittee with copies of past and/or upcoming meeting agendas/summaries for METRO light rail, Valley Metro/Regional Public Transportation Authority (RPTA), and the Maricopa Association of Governments.

THIS ITEM IS FOR INFORMATION ONLY.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.

14 Citizens Transportation Commission Meetings Page 48

This report provides the Transportation, Infrastructure and Innovation Subcommittee with copies of past and/or upcoming meeting agendas/summaries for the Citizens Transportation Commission.

THIS ITEM IS FOR INFORMATION ONLY.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.

15 Freeway Program Update Page 49

This report provides the Transportation, Infrastructure and Innovation Subcommittee updates on the Arizona Department of Transportation

(ADOT) freeway program within the City of Phoenix.

THIS ITEM IS FOR INFORMATION ONLY.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the City Manager's Office.

16 Water Services Department Drought Resiliency Infrastructure Program Update

Page 56

This report provides the Transportation, Infrastructure and Innovation Subcommittee an update on the Water Services Department's (WSD) Drought Pipeline Project.

THIS ITEM IS FOR INFORMATION ONLY.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.

DISCUSSION AND POSSIBLE ACTION (ITEMS 17-19)

17 Phoenix City Code Amendments Related to Chapters 28 - Sewer and 37 - Water

Page 63

This report requests that the Transportation, Infrastructure and Innovation Subcommittee recommend City Council approval of the proposed updates to Phoenix City Code Chapters 28 - Sewer, and 37 - Water.

THIS ITEM IS FOR DISCUSSION AND POSSIBLE ACTION.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.

18 **Transit Furniture Manufacturing and Installation - Request for Award**

Page 253

This report requests the Transportation, Infrastructure and Innovation Subcommittee recommend City Council approval to enter into an agreement with Talis Construction Corporation to construct and install new bus shelters.

THIS ITEM IS FOR DISCUSSION AND POSSIBLE ACTION.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.

The Subcommittee may vote to discuss Item 19 in Executive Session pursuant to A.R.S. Section 38-431.03(A)(3).

19 **Street Mural Pilot Program**

Page 256

This report provides information to and requests direction from the Transportation, Infrastructure and Innovation Subcommittee on a potential pilot project for the installation of a Black Lives Matter street mural in downtown Phoenix.

THIS ITEM IS FOR DISCUSSION AND POSSIBLE ACTION.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.

CALL TO THE PUBLIC

FUTURE AGENDA ITEMS

ADJOURN

For further information or reasonable accommodations, please call Kacie Howard, Management Assistant II, City Manager's Office at 602-262-7684. 7-1-1 Friendly.

Persons paid to lobby on behalf of persons or organizations other than themselves must register with the City Clerk prior to lobbying or within five business days thereafter, and must register annually to continue lobbying. If you have any questions about registration or whether or not you must register, please contact the City Clerk's Office at 602-534-0490.

Members:

Councilwoman Thelda Williams, Chair
Vice Mayor Betty Guardado
Councilwoman Laura Pastor
Councilwoman Debra Stark



City of Phoenix

Transportation, Infrastructure and Innovation
Subcommittee

Report

Agenda Date: 9/2/2020, Item No. 1

For Approval or Correction, the Minutes of the Transportation, Infrastructure and Innovation Subcommittee Meeting on March 4, 2020

Summary

This item transmits the minutes of the Transportation, Infrastructure and Innovation Subcommittee Meeting on March 4, 2020, for review, correction or approval by the Transportation, Infrastructure and Innovation Subcommittee.

The minutes are attached (**Attachment A**).

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the City Manager's Office.

Attachment A

**Phoenix City Council
Transportation, Infrastructure and Innovation Subcommittee
Summary Minutes
Wednesday, March 4, 2020**

City Council Subcommittee Room
Phoenix City Hall, Assembly Rooms A, B and C
200 West Washington Street
Phoenix, Arizona

Subcommittee Members Present

Councilwoman Thelda Williams, Chair
Vice Mayor Betty Guardado
Councilwoman Debra Stark
Councilwoman Laura Pastor

Subcommittee Members Absent

Call to Order

Chairwoman Williams called the Transportation, Infrastructure and Innovation Subcommittee to order at 8:58 a.m. with Councilwoman Stark present and Councilwoman Pastor present telephonically.

Call to the Public

None.

1. For Approval or Correction, the Minutes of the Transportation, Infrastructure and Innovation Subcommittee Meeting on Feb. 5, 2020

Councilwoman Stark made a motion to approve the minutes of the Feb. 5, 2020 Transportation, Infrastructure and Innovation Subcommittee. Councilwoman Pastor seconded the motion which passed unanimously, 3-0.

Vice Mayor Guardado joined the meeting telephonically.

Items 2-5 were for consent action. No presentations were planned but staff was available to answer questions.

Councilwoman Stark made a motion to approve consent items 2-5. Councilwoman Pastor seconded the motion which pass unanimously, 4-0.

2. Authorization to Enter into an Intergovernmental Agreement with Arizona State Land Department for the Paradise Ridge Flood Control Project

3. Apply for and Accept Funds and Enter into Intergovernmental Agreements with the Flood Control District of Maricopa County for the Paradise Ridge Flood Control Project Under the Capital Improvement Projects Prioritization Process

4. Enter into Agreement with RPTA for Regional Fare Collection System Upgrade Project Funding

5. Funding Agreement, Regional Transit Communications Project (Capital Project) – Contract Amendment 1

6. Metro, Regional Public Transportation Authority, and Maricopa Association of Government Meetings

Information only. No Councilmember requested additional information.

7. Citizens Transportation Commission Meetings

Information only. No Councilmember requested additional information.

8. Freeway Project Update

Information only. No Councilmember requested additional information.

9. Results of Bus Operations Control Center and Data Collection Services Request for Proposals

Deputy City Manager Mario Paniagua introduced Public Transit Director Jesus Sapien to present the results of the bus operations control center (OCC) and data collection services request for proposals (RFP). Mr. Sapien introduced Deputy Public Transit Director Albert Crespo to assist with the presentation.

Mr. Crespo outlined the OCC's functions and provided an overview of the RFP timeline. He also explained the evaluation criteria used to determine the contract awardee and stated the panel recommends awarding Transdev Services, Inc. due to their proposal receiving the highest overall score and providing \$1.4 million in savings over the next lowest cost proposal. The total proposed cost would be \$14,361,642 for a five-year base contract.

Chairwoman Williams asked if the awardee is the incumbent contractor. Mr. Crespo confirmed the recommended vendor is the incumbent contractor.

Mr. Crespo shared the Citizens Transportation Commission approved staff's recommendation at the Feb. 27, 2020 meeting. He concluded by stating staff requests the Subcommittee recommend Council approval to enter into an agreement with Transdev Services, Inc. to manage the OCC and data collection.

Chairwoman Williams asked how many passengers the City has per month. Mr. Sapien responded there are 30 to 40 million annual passenger boardings which equals roughly 67 percent of regional boardings. Chairwoman Williams also asked if vendors bid per mile. Mr. Sapien responded for this contract, the vendor does not bid per the mile.

Councilwoman Stark made a motion to approve staff's recommendation. Vice Mayor Guardado seconded the motion which passed unanimously, 4-0.

10. Results of Fare Collections System Request for Proposals

Public Transit Director Jesus Sapien introduced Deputy Public Transit Director Joe Bowar to present the regional fare collection system (FCS) contract award.

Mr. Bowar shared the current FCS was installed in 2005 with proprietary equipment and software, which has made it difficult to add features and make changes. Additionally, it is 13 years old and has exceeded its useful life.

Mr. Bowar stated the new system will have mobile ticketing, reloadable smart cards, fare capping, and web-based fare purchases and account management. Also, new validators and ticket vending machines (TVM) will be installed and be ADA compliant. Finally, he explained implementation will occur over two phases.

Mr. Bowar provided an overview of the proposed contract. The base contract will have a maximum cost of \$33.3 million, and the maximum operation and maintenance support cost will be \$28 million. Also, the initial agreement will be nine years with two optional three-year extensions.

Mr. Bowar spoke about the evaluation process and criteria for the RFP. He shared from the six submitted proposals, two vendors were invited to provide demonstrations. And as a result, the panel recommends Vix Technology be awarded the contract. The contract total will be \$61,228,625 and include a robust trip planner, TVM security features, and enhanced billing and cash payment features. Mr. Bowar shared the project will conclude with phase two commencing in January 2023.

Councilwoman Stark asked for more information about the robust trip planner. Mr. Bowar responded the trip planner provides routing options with real-time data on when the bus or train will arrive.

Mr. Bowar stated the Citizen Transportation Commission approved the recommendation at the Feb. 27, 2020 meeting. He concluded by stating staff requests the Subcommittee recommend Council approval to enter into an agreement with Vix Technology, Inc., for the implementation and long-term hosting, and maintenance of the new regional FCS.

Councilwoman Stark made a motion to approve staff's recommendation. Vice Mayor Guardado seconded the motion which passed unanimously, 4-0.

11. Procurement Methods for Goods and Services

Deputy City Manager Mario Paniagua introduced Chief Financial Officer Denise Olson to present on procurement strategies. Ms. Olson introduced Chief Procurement Officer T.J. Martin to assist with the presentation.

Ms. Olson explained the improvements that have been made to procurement processes since 2015 and shared the results and benefits of these improvements.

Councilwoman Pastor joined the meeting in-person.

Ms. Martin presented on competitive and non-competitive procurement methods. She then explained the price thresholds are used when determining which procurement method is used.

Chairwoman Williams asked if a vendor list is used in informal, non-competitive circumstances. Ms. Olson responded procurement staff encourages the use of small and local businesses in that circumstance.

Ms. Martin explained in the informal process, three quotes are gathered from registered vendors. The City utilizes the small business enterprise (SBE) program which includes asking those who have registered with ProcurePHX to bid on procurements under \$100,000. She shared the City currently has 85 contracts with SBEs and is working on outreach events to expand the vendor list.

Ms. Martin continued to explain competitive sealed bidding which is conducted through an Invitation for Bids (IFB). From IFB, award is determined solely on price.

Councilwoman Pastor inquired why price rather than quality is the top concern. Ms. Martin shared that price is the driver of the IFB process, but certain procedures can be implemented to indicate if vendors have provided poor quality or service in the past. Ms. Olson added requirements are included within the IFB to ensure the quality necessary is received.

Chairwoman Williams asked if procurement staff gathers feedback from departments on the procurement process. Ms. Olson shared staff conducts follow up, as well as communicates through the procurement liaison group.

Vice Mayor Guardado asked about local vendors included on the City's list and the plan to attract more local vendors. Ms. Olson responded the department is working on an outreach plan and presentation for the Workforce and Economic Development Subcommittee. Additionally, Ms. Martin shared the City is working with the Equal Opportunity, and Community and Economic Development Departments to participate in programs that spread awareness for small business opportunities.

Councilwoman Pastor asked if the City has programs that promote small business opportunities in west Phoenix and if there is one in Spanish. Ms. Olson shared staff could work on expanding these programs.

Councilwoman Stark asked if the City works with the local chambers of commerce. Ms. Martin shared staff works with Local First Arizona who works with the chambers. Additionally, it is a goal of the procurement office to reach out to these chambers.

Ms. Martin shared the most common method of procurement is an RFP. In this method, while pricing is included, the award is based on evaluation criteria specific to a need. She also explained Qualified Vendor Lists are determined from Requests for

Qualifications (RFQu) to develop a list of vendors that are used when specific licenses or expertise are needed.

Ms. Olson explained cooperatives combine the purchasing power of several public procurement agencies and are widely used. She shared benefits include price reductions, increased efficiencies and maximization of resources. Ms. Olson then compared the timeframes to complete each procurement method.

Ms. Olson explained state cooperatives and emphasized that the method conforms with the City's Procurement Code and has been reviewed by the Law Department. She emphasized the purpose of utilizing cooperatives is efficiency. Additionally, only 13 percent of 2,350 active contracts were awarded utilizing cooperatives.

Ms. Olson concluded by sharing procurement's goal is to be strategic, promote competition, save time and spend wisely to best serve the City.

Councilwoman Pastor stated she would like a break down of where money is being spent and why a vendor was chosen included in Council reports. Ms. Olson shared staff currently includes the procurement process in the Council packet, however she can speak with the Council to ensure all appropriate information is provided.

12. Wrong-Way Driving Update

Deputy City Manager Mario Paniagua introduced Street Transportation Director Kini Knudson and Assistant Street Transportation Director Briiana Velez to present a wrong-way driving update. Mr. Knudson stated while current stripping and signage meets national standards, the City can always implement additional safety features.

Ms. Velez shared this presentation focuses on wrong-way collisions between Washington and Jefferson Streets from 7th Avenue to 7th Street. She explained from 2014 to 2018, approximately 2 percent of all collisions were the result of wrong-way driving and there were no fatalities. However, in 2019, there were three wrong-way collisions and one fatality. As a result, staff evaluated existing one-way signage and it was determined it meets national standards.

Ms. Velez stated Street Transportation staff recommends a pilot program be implemented that installs additional directional pavement arrows and wrong-way signs. These will be installed at a cost of \$32,000 and take four to six months to complete. She concluded by stating the pilot would be evaluated annually to see if there is a reduction in wrong-way collisions. If there is a reduction, staff will propose the pilot be expanded.

Channel Powe, resident, spoke in support of the pilot program and thanked Vice Mayor Guardado for bringing this topic to the Subcommittee.

Councilwoman Williams spoke in support of the pilot program.

Dianne Barker, resident, spoke in support of the pilot program.

Councilwoman Stark stated her support for the pilot program, but also shared her concern for pedestrian safety throughout the entire City. Councilwoman Pastor requested dialogue begin on a comprehensive pedestrian safety plan. Chairwoman Williams also asked that the City work with sister cities.

Vice Mayor Guardado thanked Channel Powe for her advocacy and emphasized the importance of finding a Citywide pedestrian safety solution.

Councilwoman Stark emphasized the importance of educating drivers and residents. Councilwoman Williams asked staff to bring the presentation on comprehensive pedestrian safety efforts to this Subcommittee.

13. Downtown Transportation Plan Update

Street Transportation Director Kini Knudson introduced City Engineer Eric Froberg to present a downtown transportation plan update. Mr. Knudson shared the current plan was adopted in 2014 and needs to be updated due to forecasted growth.

Mr. Froberg stated three neighborhood meetings were completed in the summer 2019 to understand the community's concerns. At these meetings, staff collected nearly 400 comments that focused on auto safety and congestion, pedestrian and bicycle safety, and access to transit. These comments were incorporated in the development of area-specific plans. Mr. Froberg shared the next steps in the plan update and stated that once they are complete, staff will bring final recommendations to the Subcommittee.

Councilwoman Stark asked staff to evaluate scrambles, maximize sidewalks and install dedicated bike lanes. Mr. Knudson shared the downtown code requires enhanced pedestrian amenities in future development.

Councilwoman Pastor asked if the plan update is incorporating downtown festivals and major events, as well as asked staff to analyze the current barricade plan and fees for races or festivals. Mr. Knudson responded the right-of-way team is looking into how construction is affecting the ability to host downtown events.

Call to the Public

None.

Future Agenda Items

Chairwoman Williams reminded staff of the pedestrian safety presentation.

Adjournment

Chairwoman Williams adjourned the meeting at 10:26 a.m.

Respectfully submitted,
Jennifer Hackelman
Management Intern

PHOENIX CITY COUNCIL
 Transportation, Infrastructure and Innovation Subcommittee
 Wednesday, March 4, 2020
 Assembly Rooms A, B, C
PLEASE SIGN-IN

	Name	Title	Department / Organization
1.	Nacie Howard	MAH	OWD
2.	Brenda Gomez	PTD	COP PTD
3.	Roberto Valentin	PTD Transit Supervisor	COP PTD
4.	Lauren Siim	Qtrm	Mayor's Office
5.	Chanel Powe	Community	
6.	Tyler Olsen	Budget Mgr	Valley Metro
7.	Kat Heneking	COO, TRASHDEV	
8.	Colleen E. Turner	PRESIDENT	TURNER INT'L
9.	DAN MARUM	Assoc. Vice Pres.	Wilson & Company
10.	Vivian Roder	SR PID	PWD
11.	Rebecca Washy Smith	Asst. Public Works	Public Works
12.	Marcus Geman	City Administrator	City
13.	Brandie Barritt	DPWD	LOP PWD
14.	Doreen Pless	CEO	DPI
15.	Kari Knudson	Director	COP / STREETS
16.	Alexandro Riccio	Sr. Civil Eng	AECOM
17.	Amor Lucich	SR MANAGER	Kierockett
18.	Laurel Arnold	PM	Pingen Environment
19.	Darlene Barber	D Team	Uttera
20.	Derek Toups	Project Director	Vix Technology
21.	Annie Holdsworth	PIO	PDP
22.	Pat Barrett	Account Exec	High Ground
23.	Stella Pelt	STK	SKO
24.	Amy Haulte	STR	VAH

PHOENIX CITY COUNCIL
 Transportation, Infrastructure and Innovation Subcommittee
 Wednesday, March 4, 2020
 Assembly Rooms A, B, C
PLEASE SIGN-IN

	Name	Title	Department / Organization
25.	Joe Bonan	Deputy Director	Public Transit
26.	Kelby Hines	Jacobs consultant	Jacobs
27.	Albert Caspe	Deputy Director	COP-PTD
28.	JESUS SAPIEN	DIRECTOR	←O-OTD
29.	Juli Krieger	Law - Chief Counsel	Law - COP
30.	Dolly Hayes	Project Manager	Trasdev
31.	Yvoni Brown	QC	Trasdev
32.	Karin Zinn	ES Compliance	COP - EOD
33.	JILL KAMRIZ	BL EUP - EPLC	CPIC
34.	Christina Locke	CVC BD	CVC
35.	Chris Kovacs	COR - STD	STD
36.	Chris Moore	CE III	Public Works
37.	Osca Garcia	CVL	Stormwater
38.	Linda Smarte	Procurement Mgr	PWD
39.	ERIC FROBERG	CITY ENGR	STR
40.	Marcus Mahoney		Law
41.	Ken Kessler	Deputy Director	PTD
42.	PAUL MAGILLANER	DIRECTOR OF COMMUNITY ECONOMIC DEV	HOWARTH/PTD
43.	Robert Farnell	CEOP STR	CF
44.	Jim Maher	Project Engineer	ARTEC Engineering
45.	M. Colin Alexander	ASSISTANT CITY MANAGER IV	Law
46.			
47.			



American Airlines Passenger Boarding Bridges

This report requests the Transportation, Infrastructure and Innovation Subcommittee to recommend that the City Council approve the purchase of seven passenger boarding bridges (Bridges) from American Airlines for \$4.1 million in exchange for rent credits at the Phoenix Sky Harbor International Airport (Airport) terminals and airfield.

THIS ITEM IS FOR CONSENT ACTION.

Summary

American Airlines currently leases 25 bridges as part of its Terminal 4 operations at the Airport. The Bridges are of varying age and condition. The Bridges are owned by the City of Phoenix and were installed in 1990. The Bridges have frequent mechanical failures that lead to aircraft delays. As an integral part of American Airlines' operation, it has proposed the structure of this transaction in order to actively manage the Bridge specifications and installation. American Airlines is also able to quickly procure the Bridges at a significant discount due to its purchasing volume. If approved, the Aviation Department will provide rent credits to American Airlines in the amount of \$4.1 million as consideration for the seven Bridges. The City will then lease the Bridges back to American Airlines at the rate of \$3,014 per month per Bridge.

Contract Term

The term of the lease for each Bridge will be month-to-month and will be consistent with the American Airlines' lease of the associated gate.

Financial Impact

\$4.1 million in rent credits will be amortized over the 30-year life of the Bridges at the imputed interest rate of 4.7 percent and charged to American Airlines at the rate of \$3,014 per month per bridge.

Concurrence/Previous Council Action

This item was recommended by the Phoenix Aviation Advisory Board on Aug. 20, 2020.

Location

Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.
Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.



Aircraft Rescue and Fire Fighting (ARFF) Foam Testing Equipment

This report requests the Transportation, Infrastructure and Innovation Subcommittee to recommend that the City Council authorize the City Manager, or his designee, to spend \$47,000 for a one-time purchase of NoFoam Systems (NoFoam) aqueous film forming foam (AFFF) testing equipment for the Aviation Department. The equipment consists of one portable system, one portable tank and hoses, five retrofit kits, and one portable hydrant meter, which will test the foam on five Station 19 apparatuses. Purchasing the AFFF testing equipment will allow the City to complete the 14 C.F.R. Part 139 required foam testing and confirm the correct consistency, according to FAA requirements, in the event of an aircraft crash or fire emergency requiring the use of the foam.

THIS ITEM IS FOR CONSENT ACTION.

Summary

Fire Station 19 is required to complete foam proportioner testing every six months, which includes testing of the AFFF system to ensure the correct amount of foam is discharged at three percent. National Fire Protection Association and Federal Aviation Administration (FAA) guidelines specify that the foam must fall within the allowable range for all foam discharges. In response to environmental concerns, the Aircraft Rescue and Fire Fighting (ARFF) industry has developed several testing techniques that verify the correct amount of foam will be discharged by the foam proportioners without actually releasing any foam into the environment. The FAA has approved three AFFF testing vendors that are environmentally responsible. By using an AFFF system, Fire Station 19 can avoid introducing harmful chemicals into the environment and still produce an accurate test result for annual FAA Part 139 inspection.

In February 2020, the Aviation Department entered into a lease agreement with NoFoam, one of the FAA-approved AFFF system providers, to rent its AFFF system in order to comply with the 2020 annual FAA Part 139 inspection scheduled for April 2020 (later rescheduled to August or September 2020 due to the COVID-19 virus epidemic). NoFoam was the only vendor that offered a leasing option when the Aviation Department was exploring ways to comply with foam testing prior to the 2020 annual FAA Part 139 Inspection. The leased equipment is installed on all of Fire Station 19's

five foam-utilizing trucks and ARFF staff has been trained on how to use the AFFF system.

Procurement Information

In April 2020, the Aviation Department requested estimates from all three FAA-approved AFFF system providers. The providers were asked to provide quotes to purchase the following:

- Testing system for five AFFF foam trucks
- Installation
- Training (if offered)

The quotes provided were:

- NoFoam: \$43,013
- Ecologic: \$43,100
- Oshkosh: \$73,500

Contract Term

This is a one-time purchase.

Financial Impact

The cost of the AFFF system will not exceed \$47,000, unless there are unanticipated fees. Funds are available in the Aviation Department budget.

Concurrence/Previous Council Action

This item was recommended for approval by the Phoenix Aviation Advisory Board on Aug. 20, 2020.

Location

Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.
Council Districts: 8

Responsible Department

This item is submitted by the Deputy City Manager Mario Paniagua and the Aviation Department.



Extend Guest Services and Customer Volunteer Management Services Contract

This report requests the Transportation, Infrastructure and Innovation Subcommittee to recommend that the City Council authorize the City Manager, or his designee, to extend the five-year terms of Contract 142662 with ABM Aviation, Inc. (ABM) and Contract 142663 with Airport Terminal Services (ATS), and to increase the current \$8 million spending authority under the contracts by an amount not to exceed \$1.6 million for guest services and customer volunteer management services.

THIS ITEM IS FOR CONSENT ACTION.

Summary

ABM provides staff at the Corporate Office Building, staffs information counters throughout Phoenix Sky Harbor International Airport (PHX) and the Rental Car Center (RCC), provides passenger assistance with international arrivals, administers the live music program, and is currently distributing FEMA masks to passengers in need.

ATS provides management for more than 450 volunteers throughout PHX and the RCC. These volunteers respond to customer questions and staff information counters during business hours.

The Aviation Department requests that the terms of ABM's and ATS's contracts be extended for one year, from June 1, 2021 to May 31, 2022, as a result of the ongoing worldwide COVID-19 pandemic. Current conditions do not allow for accurate airline traffic and passenger level projections for the next 12 months. The contract extensions will allow the Aviation Department to develop a new procurement based on the development and distribution of a COVID-19 vaccine, airline traffic and passenger level trends, and projected economic conditions.

Contract Term

This request seeks to extend the terms of ABM's and ATS's contracts one-year through May 31, 2022.

Financial Impact

Based on the foregoing, spending authority under the contracts needs to be increased

by the amount of \$1.6 million, which will increase the total value of the contacts to \$9.6 million. Funds are available in the Aviation Department's operating budget.

Concurrence/Previous Council Action

Request for Proposal 16-009, Guest Services and Customer Volunteer Management Services, was conducted and the results were the award of Contract 142662 to ABM and the award of Contract 142663 to ATS pursuant to ordinance on May 18, 2016.

This item was recommended for approval by the Phoenix Aviation Advisory Board on Aug. 20, 2020.

Location

Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.
Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.



Fine Art Cleaning and Maintenance

This report requests the Transportation, Infrastructure and Innovation Subcommittee recommend City Council authorize the City Manager, or his designee, to enter into contracts with Freer Waters LLC, Erma Duran & Co. LLC, and Brian Stevenson (a sole proprietor doing business under the trade name Hammercraft) to provide fine art cleaning and maintenance services to the Aviation Department and the Phoenix Office of Arts and Culture. The cost of the contracts will not to exceed \$210,000 over the five-year terms of the contracts, if both options to extend the term are exercised.

THIS ITEM IS FOR CONSENT ACTION.

Summary

The City's collection of more than 200 large-scale, site-specific public artwork includes ceramic mosaic murals, glass mosaic murals, metal ceiling and wall installations, suspended art glass installations, and outdoor sculptures at various locations throughout the City, including airport buildings, parks, transit sites, community centers, canal trails and destinations, freeway bridges, streetscapes, overpasses, recycling centers, and other key infrastructure locations. Cleaning and maintenance services are imperative for the long-term preservation of the artwork and to provide emergency maintenance services for the safety of employees and citizens that are in the vicinity of large-scale artwork.

Procurement Information

Request for Qualifications 20-015, Fine Art Cleaning and Maintenance, was conducted in accordance with Administrative Regulation 3.10 with the intent of establishing a Qualified Vendor List (QVL) to provide fine art cleaning and maintenance services. Three offers were received and all were deemed responsive and responsible.

The procurement officer evaluated all offers on a pass/fail basis using the following qualification criteria:

- Minimum of three consecutive years of experience within the last five years providing fine art cleaning and maintenance services
- Branch office or operating facility located in Arizona

- A project manager with a minimum of three consecutive years of experience within the last five years providing fine art cleaning and maintenance services.

The following offerors met the qualification criteria and are being recommended for placement on the QVL:

- Freer Waters LLC
- Erma Duran & Co. LLC
- Brian Stevenson, a sole proprietor doing business under the trade name Hammercraft

Contract Term

The terms of the contracts will be three years and will begin on or about Oct. 1, 2020. The contracts will contain two one-year options to extend the terms that may be exercised in the Aviation Director's sole discretion.

Financial Impact

The cost of the contracts will not exceed \$210,000 over the five-year terms of the contracts, if both options to extend the term are exercised. Funds are available in the Aviation Department and Phoenix Office of Arts and Culture budgets.

Concurrence/Previous Council Action

This item was recommended for approval by the Phoenix Aviation Advisory Board on Aug. 20, 2020.

Location

Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.
Council Districts: 8

Responsible Department

This item is submitted by Deputy City Managers Mario Paniagua and Karen Peters, the Aviation Department, and the Phoenix Office of Arts and Culture.



Billboard Outdoor Advertising Revenue Contract Solicitation Request to Issue at Phoenix Sky Harbor International Airport

This report requests the Transportation, Infrastructure, and Innovation Subcommittee to recommend that the City Council approve the issuance of a Revenue Contract Solicitation (RCS) for an outdoor advertising company to install, upgrade, maintain, and manage advertising for five billboards located at Phoenix Sky Harbor International Airport.

THIS ITEM IS FOR CONSENT ACTION.

Summary

There are currently five billboards located on Aviation Department (AVN) property, including two static billboards located along Interstate 10 (I-10) and three others at various locations on AVN property. AVN has identified underutilized, non-aeronautical land along State Route 143 (SR 143) that is suitable for the installation of three new billboards. The RCS will award two packages--the first package will assign the billboards along I-10 to the successful respondent and will include the requirement that these billboards be upgraded from static to digital. The second package will award three locations along SR-143 for three new digital billboards.

Procurement Information

AVN will conduct an RCS to select a successful respondent. Responsive and responsible respondents will be evaluated according to the following evaluation criteria:

- Proposed Minimum Annual Guarantee (MAG)
- Business and Marketing Plan
 - a. Maintenance Plan
 - b. Project Design, including proposed improvements, design, and quality
 - c. Sales plan, including approach to managing advertising requests and strategies to maximize revenue
- Qualifications and Experience of Respondent
 - a. Number of years of experience
 - b. Type of experience in managing outdoor advertising

The highest ranked respondent will be recommended for award of a lease.

AVN intends to issue the RCS at the appropriate time based on the national and regional economy performance.

The City's Transparency Policy will be in effect when the RCS is released and throughout the RCS process.

Public Outreach

The RCS process will include all standard and required outreach efforts and will conduct targeted outreach efforts to attract interest for each of these unique contracting opportunities.

Contract Term

The term of the contract will be 10 years and will include one ten-year option to extend the term that may be exercised at the sole discretion of the Aviation Director or his designee.

Financial Impact

Each respondent shall propose a MAG. In the first year of the lease, the successful respondent shall pay the proposed MAG or percentage rent at 60 percent of gross sales, whichever is greater. For every year thereafter, MAG shall be adjusted to 75 percent of the prior years' annual rent payment or 100 percent of the previous year's MAG, whichever is greater.

Concurrence/Previous Council Action

The Phoenix Aviation Advisory Board recommended approval of this item on May 21, 2020 by a vote of 7-0.

Location

Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.
Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.



Arizona Department of Public Safety Corporate Hangar Lease Extension

This report requests the Transportation, Infrastructure and Innovation Subcommittee to recommend that the City Council approval of the amendment of Department of Public Safety (DPS) Corporate Hangar Lease Agreement 142410 (Lease) at Phoenix Sky Harbor International Airport (PHX) by extending the term three years and including one one-year option to extend the term.

THIS ITEM IS FOR CONSENT ACTION.

Summary

DPS has occupied the corporate hangar under the current lease since Nov. 1, 2013. DPS uses the hangar to store and maintain its aircraft. DPS has asked to extend the term of the Lease until Oct. 31, 2023 and include one one-year option to extend the term.

Contract Term

The term will be extended three years. The Lease will include one one-year option to extend the term that may be exercised at the sole discretion of the Aviation Director.

Financial Impact

Rent for the first year of the three-year extension will be approximately \$125,454 (\$8.70 per square foot). Total anticipated revenue over the term, if the option is exercised, will be approximately \$501,816. Rent will be adjusted annually based on the Consumer Price Index (CPI).

Concurrence/Previous Council Action

This item was recommended for approval by the Phoenix Aviation Advisory Board on Aug. 20, 2020.

Location

2615 E. Air Lane
Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.



Phoenix Deer Valley Airport Restaurant Revenue Contract Solicitation

This report requests the Transportation, Infrastructure and Innovation Subcommittee recommend City Council approval of the issuance of a Revenue Contract Solicitation (RCS) to develop, remodel, and operate a full-service restaurant at Phoenix Deer Valley Airport (DVT).

THIS ITEM IS FOR CONSENT ACTION.

Summary

The terminal building at DVT has a vacant restaurant space suitable for the operation of a full-service restaurant. The previous restaurant operator vacated DVT at the end of the lease term on May 31, 2020. The RCS seeks to procure a new operator that will remodel the facility and operate a restaurant concept suitable for DVT and its patrons. The current restaurant layout includes a lounge and patio dining space.

Respondents will also be offered the opportunity to develop and operate a separate retail space in the terminal building.

Procurement Information

The Aviation Department will conduct an RCS process to select the most suitable respondent.

Responsive and responsible respondents will:

- Submit a restaurant concept suitable for the general aviation airport environment
- Provide evidence of at least three years of experience in the last five years of owning or operating a full-service restaurant
- Demonstrate the financial wherewithal to implement the approved concept
- Demonstrate the ability to procure a license for the sale of alcoholic beverages
- Propose a minimum annual guarantee (MAG) of revenue to DVT that exceeds \$92,000 for the first year of operation

Responsive and responsible respondents will be evaluated according to the following evaluation criteria:

- Suitability of the proposed restaurant concept and design for the existing space and for DVT
- Amount of remodel investment
- Quality and suitability of menu items
- Amount of proposed MAG
- Qualification and experience of ownership and management team

Contract Term

The term of the lease will be seven years and include one three-year option to extend the term that may be exercised at the sole discretion of the Aviation Director.

Financial Impact

Rent will be set at a MAG of \$92,000 or a percentage of gross sales, whichever is greater. MAG for subsequent years will be the minimum of the first year MAG or 85 percent of gross sales for the previous year.

Concurrence/Previous Council Action

This item was recommended for approval by the Phoenix Aviation Advisory Board on Aug. 20, 2020.

Location

Phoenix Deer Valley Airport, 702 E. Deer Valley Road
Council Districts: 1

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.



Authorization to Amend Parking Meter Contract

This report requests the Transportation, Infrastructure and Innovation Subcommittee recommend City Council approval to amend existing Contract 135354 with IPS Group Inc. (IPS) to extend the term of the contract one year. There is no additional financial impact to the City.

THIS ITEM IS FOR CONSENT ACTION.

Summary

Since the inception of the contract in January 2013, the Street Transportation Department (Streets) has purchased approximately 1,700 wireless single-space parking meters capable of both coin and credit card transactions through IPS. These "smart" meters operate on a proprietary financial software that utilizes wireless technology for two-way communications with the parking meters to accept and monitor payments, monitor the status and use, provide remote diagnostics, and allow for settings to be changed remotely. Currently, Streets operates 1,690 "smart" meters in the downtown and midtown areas of Phoenix, which have been operating for approximately seven years with a life expectancy of 10 years.

Streets is requesting to continue the business relationship with IPS for the purchase and management of credit card enabled single-space parking meters. This will include the purchase of additional parking meter units and continued credit card processing.

This item has been reviewed and approved by the Information Technology Services Department.

Procurement Information

The original contract with IPS was procured in accordance with Administrative Regulation 3.10 and will expire on Jan. 27, 2021. Streets is requesting an exception to the procurement process via a Determination Memo to extend the current contract for one additional year. This extension will provide staff the opportunity to revise the scope of work for a new procurement in conjunction with the Parking Management Study currently being conducted by Streets and the Community Economic Development Department. The revised scope of work will allow vendors to bid based on updated

criteria, likely resulting in a parking meter system that will better meet the current and future needs of the City.

Contract Term

The term of this one-year extension will be from Jan. 28, 2021 through Jan. 27, 2022.

Financial Impact

This is an expense and revenue contract. No additional funds are being requested, so the aggregate spending authority of the contract remains \$3,637,500 which was previously authorized under Ordinance S-44122. Funds are available in the Streets' Operating and Capital Improvement Program budgets.

Concurrence/Previous Council Action

City Council approved the original contract with IPS on Nov. 28, 2012 (S-39393). On Sept. 6, 2017, Council approved additional funding to expand the parking meter program (S-43895), and on Dec. 13, 2017, Council approved a three-year extension through Jan. 27, 2021 (S-44122).

Location

Council Districts: 4, 7 and 8

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.



Maricopa Association of Governments Transportation Projects in Fiscal Years 2021, 2022, 2023 and 2024

This report requests the Transportation, Infrastructure and Innovation Subcommittee recommend City Council approval to apply for, accept and if awarded, enter into agreements for transportation funding through the Maricopa Association of Governments (MAG) for Congestion Management Air Quality (CMAQ) PM-10 Certified Street Sweepers, Road Safety Program (RSP), and Transportation Alternatives (TA) Non-Infrastructure Safe Routes to School. Further request an exemption from the indemnification prohibition set forth in the Phoenix City Code section 42-18 for a governmental entity pursuant to Phoenix City Code section 42-20 if funding is received. If awarded the total \$4 million in requested funding, the City's estimated participation will not exceed \$228,000 (5.7 percent of the total project costs).

THIS ITEM IS FOR CONSENT ACTION.

Summary

MAG is soliciting a Call for Projects application process in three different program areas (PM-10 Certified Street Sweepers, RSP, and TA Non-Infrastructure Safe Routes to School) for transportation funding over multiple fiscal years (fiscal years 2021, 2022, 2023 and 2024). The City is eligible to compete for up to \$4 million available within these program areas:

Fiscal Year 2021

- CMAQ PM-10 Certified Street Sweepers with an available amount of \$1,422,300.

Fiscal Year 2022

- RSP with an available amount of \$1,876,245.

Fiscal Year 2023

- TA Non-Infrastructure Safe Routes to School with an available amount of \$327,723.

Fiscal Year 2024

- TA Non-Infrastructure Safe Routes to School with an available amount of \$367,094.

Each program area has specific eligibility criteria that requires both quantitative and qualitative criteria to evaluate and score amongst other regional projects. The program areas collectively focus on improving air quality, reducing congestion, reducing serious and fatal pedestrian and vehicle collisions, improving walkability and safety near school zones, and improving PM-10 Certified Street Sweeper fleet equipment.

The Street Transportation Department aims to pursue funding opportunities in all three program areas as the MAG solicitations align with the City's transportation goals and objectives. This recent MAG Call for Projects is an opportunity to leverage City dollars, while increasing the City's ability to complete more transportation-related projects that enhance safety and improve air quality in the community. MAG manages its own competitive review and ranking process for distribution of available funding.

MAG will formalize application submittals on Sept. 10, 2020 for CMAQ PM-10 programs, and on Oct. 1, 2020 for RSP and TA Non-Infrastructure Safe Routes to School programs. Street Transportation Department staff will continue to refine the location, cost and scope of the grant submittals to ensure competitiveness with other local and regional submittals.

Financial Impact

The MAG Call for Projects grant submittal process typically requires a local match contribution of up to 5.7 percent of construction or procurement costs plus design costs (if applicable). With an opportunity to compete for up to \$4 million of available funding, the Street Transportation Department can expect to participate up to \$228,000 plus the cost of design (if applicable) if awarded the total grant funding available. Funding is available in the Street Transportation Department's Capital Improvement Program.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.



South Central Extension/Downtown Hub Project Funding Agreement Amendment

This report requests the Transportation, Infrastructure and Innovation Subcommittee recommend approval to City Council to approve an amendment to the current funding agreement with Valley Metro Rail (VMR) for the South Central Extension/Downtown Hub project for an amount not-to-exceed \$350 million to fund the remainder of the project costs. Federal Capital Investment Grant (CIG) funded costs will be reimbursed by the Federal Transit Administration (FTA) over several years, potentially beyond the construction schedule.

THIS ITEM IS FOR CONSENT ACTION.

Summary

The South Central Extension/Downtown Hub is a 5.5-mile light rail project extending south from Jefferson Street to Baseline Road along Central Avenue. The project also includes the creation of a transfer hub in downtown Phoenix. The project includes nine new stations and two park-n-rides (one located at the existing Ed Pastor Transit Center on Central Avenue and Broadway Road, and another at the end-of-line on the northwest corner of Central Avenue and Baseline Road).

Attachments A and B provide a graphical representation of the South Central Extension/Downtown Hub project and the end-of-line park-and-ride, which can be expanded into a transit center in the future if necessary.

On Oct. 16, 2019, City Council approved an amendment to the funding agreement in the amount of \$159 million for design and construction services for the project. The Council Report explained: “Because the schedule for the disbursement of federal funding is based on a reimbursement process and is expected to exceed the project construction schedule, a future amendment to the agreement will be required to advance the necessary additional funding to VMR for project completion. The future amendment will be requested after the City receives authorization for the financing needed to cover costs that will be later reimbursed through federal CIG funding.”

Although the FTA approves the total CIG funding when executing the Full Funding

Grant Agreement (FFGA), CIG New Starts grant funds are typically allocated over multiple years due to the federal budget process. This may result in the receipt of some grant funds past project completion. Therefore, it is expected that Phoenix will need to advance funds due to the timing of annual CIG allocations.

Concurrence/Previous Council Action

This item is scheduled to be heard at the Aug. 27, 2020 Citizen Transportation Commission meeting.

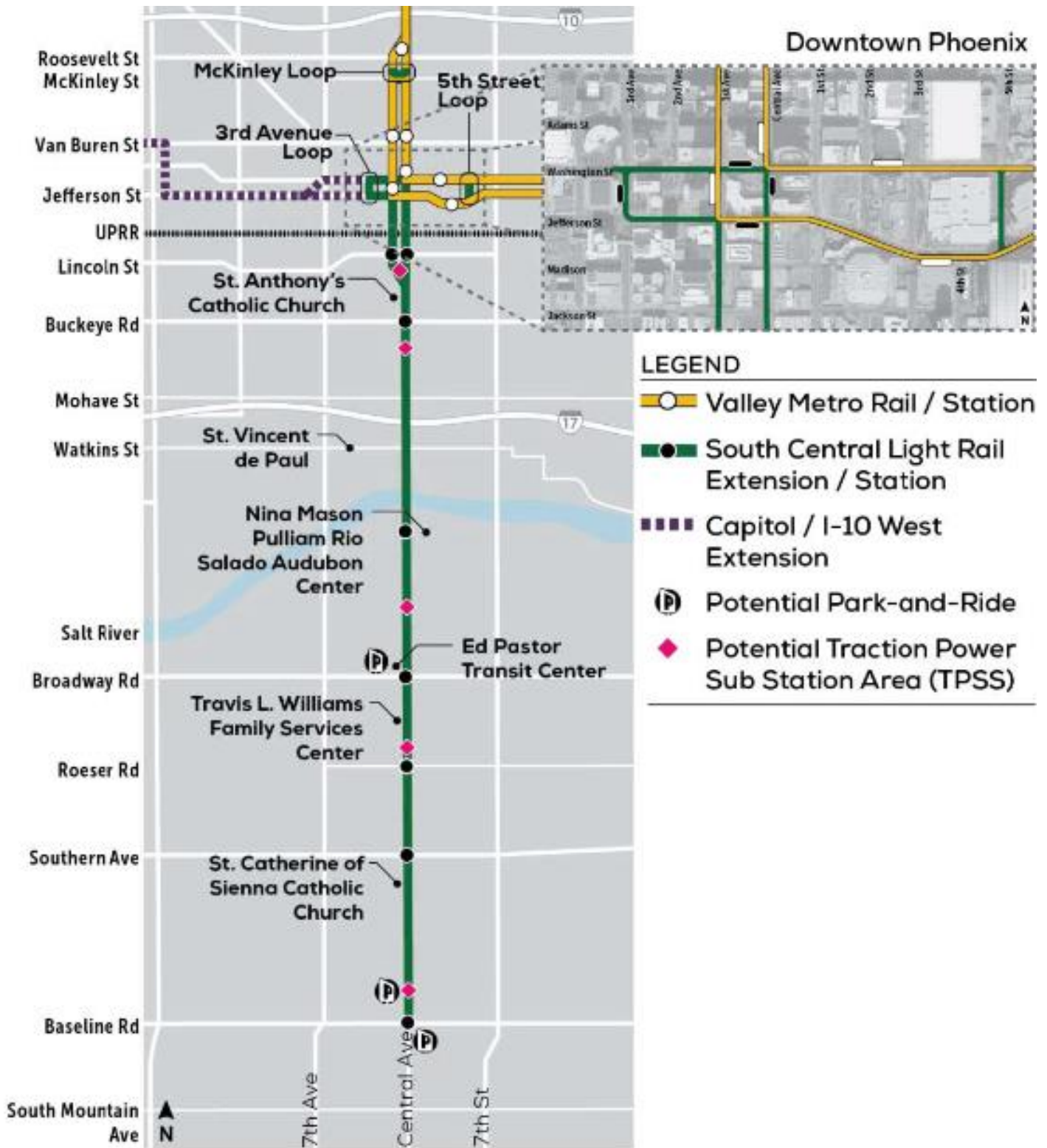
Location

Central Avenue from Jefferson Street to Baseline Road
Council Districts: 7 and 8.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.

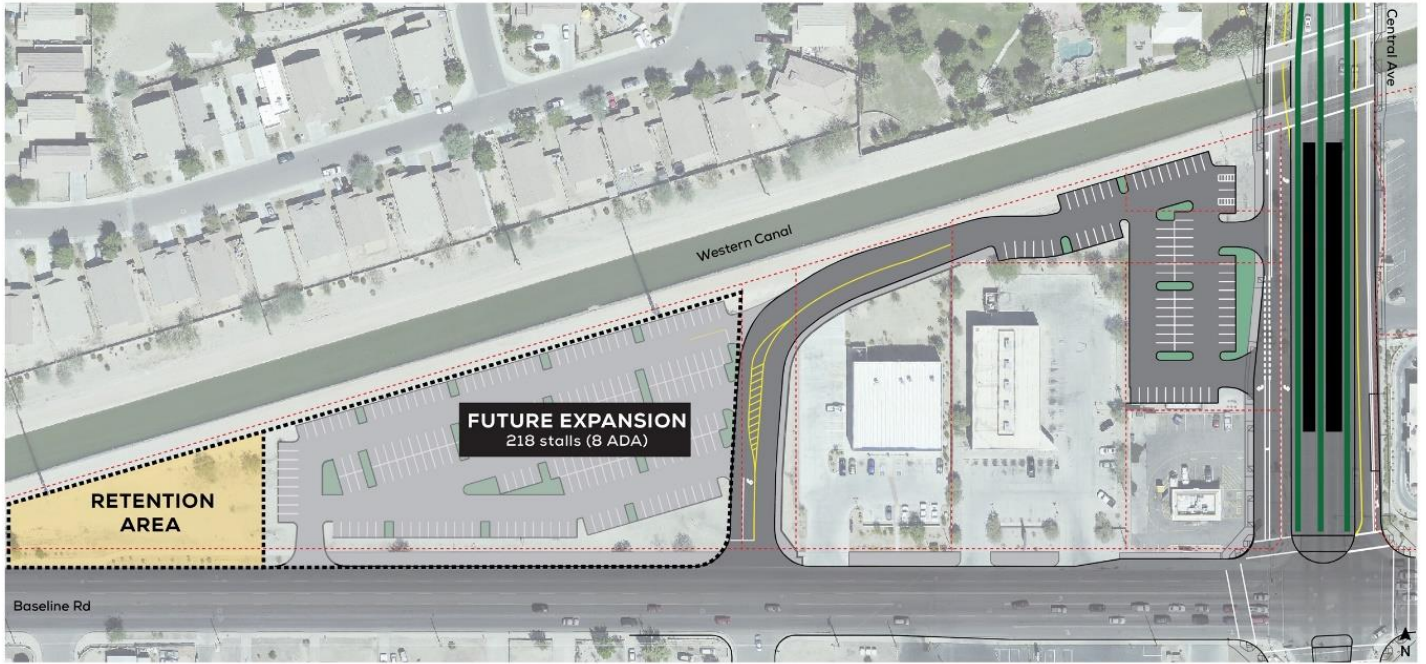
Attachment A South Central Extension/Downtown Hub



Attachment B South Central Extension/Downtown Hub End of Line Park and Ride



JUNE 19, 2019





Northwest Extension Phase II Funding, Design and Construction Agreement Amendment

This report requests the Transportation, Infrastructure and Innovation Subcommittee recommend approval to City Council to approve an amendment to the current funding, design, and construction agreement with Valley Metro Rail (VMR) for the Northwest Extension Phase II (NWEII) project for an additional amount not-to-exceed \$200 million to fund the remainder of the project costs. Federal Capital Investment Grant (CIG) funded costs will be reimbursed by the Federal Transit Administration (FTA) over several years, potentially beyond the construction schedule.

THIS ITEM IS FOR CONSENT ACTION.

Summary

The NWEII is a 1.6-mile light rail project extending west from the current system terminus at 19th and Dunlap avenues. The extension will run west on Dunlap Avenue to 25th Avenue, then north to Mountain View Road, and then west across Interstate 17, via an elevated structure over the freeway, to its terminus adjacent to Metrocenter Mall.

The project includes three new stations at the following locations:

- Near Dunlap and 25th avenues.
- South end of the Rose Mofford Sports Complex.
- An expanded multi-modal transit center and park-n-ride at the terminus.

See **Attachments A and B** for visuals of the project which provide an overall representation of the NWEII project and end-of-line station and transit center.

On Oct. 16, 2019, City Council approved an amendment to the funding agreement in the amount of \$79.4 million for design and construction services for the project. The Council Report explained: "Because the schedule for the disbursement of federal funding is based on a reimbursement process and is expected to exceed the project construction schedule, a future amendment to the agreement will be required to advance the necessary additional funding to VMR for project completion. The future

amendment will be requested after the City receives authorization for the financing needed to cover costs that will be later reimbursed through federal CIG funding.”

Although the FTA approves the total CIG funding when executing the Full Funding Grant Agreement (FFGA), CIG New Starts grant funds are typically allocated over multiple years due to the federal budget process. This may result in the receipt of some grant funds past project completion. Therefore, it is expected that Phoenix will need to advance funds due to the timing of annual CIG allocations.

Concurrence/Previous Council Action

This item is scheduled to be heard at the Aug. 27, 2020 Citizen Transportation Commission meeting.

Location

The extension will run on Dunlap Avenue to 25th Avenue, then north to Mountain View Road, and then west across Interstate 17, via an elevated structure over the freeway, to its terminus adjacent to Metrocenter Mall.

Council Districts: 1,3 and 5.







Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.

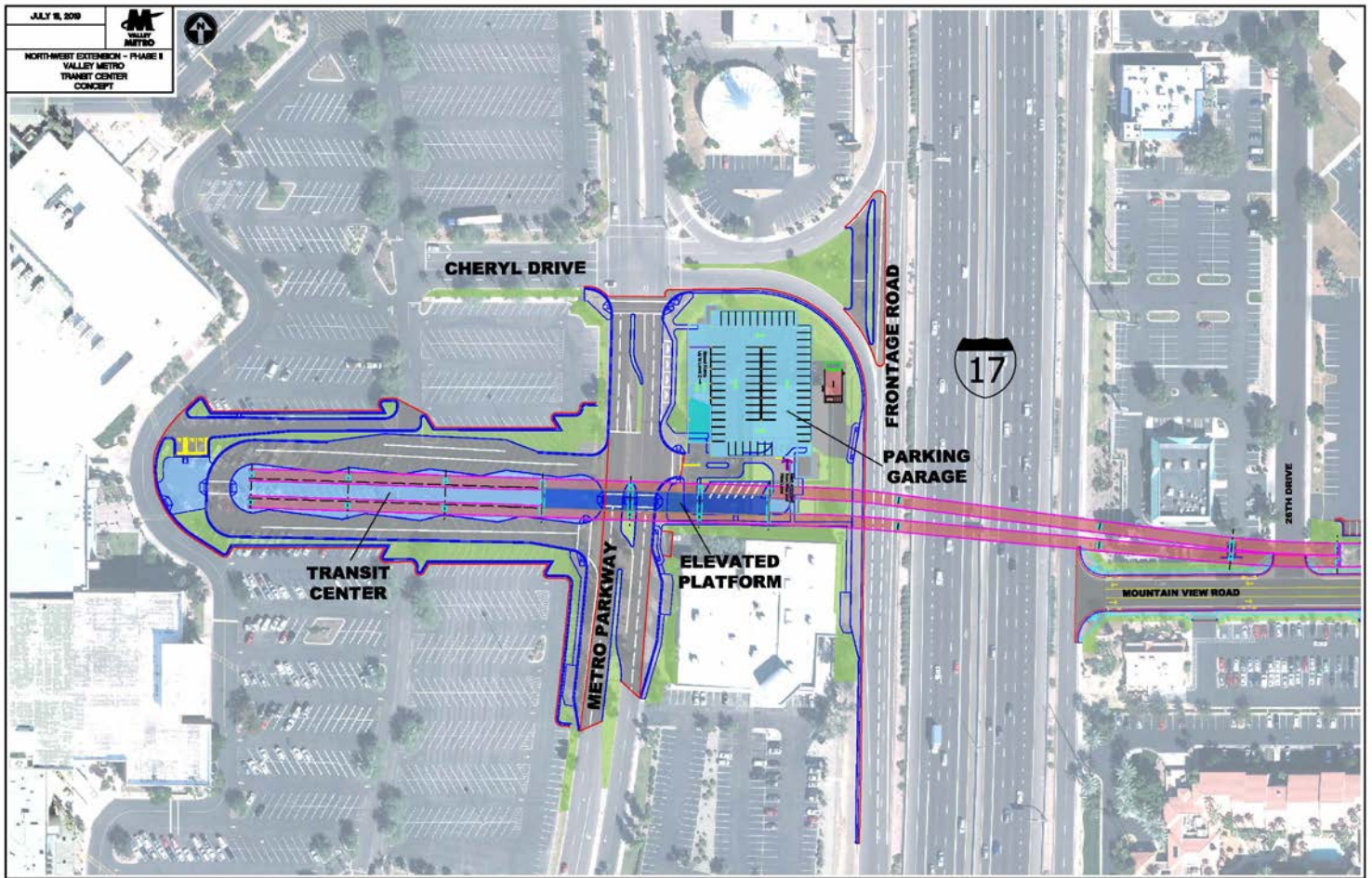
Attachment A Northwest Extension Phase II



LEGEND

-  Valley Metro Rail/Station
-  Northwest Extension Phase II/Station
-  Existing Transit Center
-  Existing Park-and-Ride
-  Relocated Transit Center
-  Proposed Park-and-Ride

Attachment B
Northwest Extension End of Line Station/Transit Center





Metro, Regional Public Transportation Authority, and Maricopa Association of Governments Meetings

This report provides the Transportation, Infrastructure and Innovation Subcommittee with copies of past and/or upcoming meeting agendas/summaries for METRO light rail, Valley Metro/Regional Public Transportation Authority (RPTA), and the Maricopa Association of Governments.

THIS ITEM IS FOR INFORMATION ONLY.

Summary

Within Maricopa County, there are several agencies with different charges relating to public transit and transportation planning.

Valley Metro/RPTA: In 1993, the Regional Public Transportation Authority Board adopted the name Valley Metro as the identity for the regional transit system in metropolitan Phoenix. Under the Valley Metro brand, local governments fund the transit system which the public sees on Valley streets today. Valley Metro Board member agencies include Avondale, Buckeye, Chandler, El Mirage, Gilbert, Glendale, Goodyear, Maricopa County, Mesa, Peoria, Phoenix Queen Creek, Scottsdale, Surprise and Tempe.

METRO: METRO is the brand name for Valley Metro Rail Inc., a nonprofit, public corporation charged with the design, construction and operation of the light rail system. The cities that participate financially in the light rail system each have a representative on the METRO Board of Directors. Cities on the board include Chandler, Glendale, Mesa, Phoenix and Tempe. METRO is structured on a "pay to play basis," with voting power allocated based on investment in the system.

The Maricopa Association of Governments (MAG): MAG is a council of governments that serve as the regional agency for the metropolitan Phoenix area. When MAG was formed in 1967, elected officials recognized the need for long-range planning and policy development on a regional scale. Issues such as transportation, air quality and human services affect residents beyond the borders of individual jurisdictions. MAG is the designated metropolitan planning organization (MPO) for transportation planning in

the Maricopa County region.

The goal of staff is to provide the Transportation, Infrastructure and Innovation Subcommittee with agendas for future meetings of these bodies. At times, meeting dates do not coincide and agendas are not available until close to the meeting date. However, prior to reach each Board of Directors meeting, most agenda items are reviewed by staff committees which include City of Phoenix members.

Meeting agendas and/or additional information for previous and upcoming METRO, RPTA and MAG meetings will be distributed to Transportation, Infrastructure and Innovation Subcommittee members at the meeting.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.



Citizens Transportation Commission Meetings

This report provides the Transportation, Infrastructure and Innovation Subcommittee with copies of past and/or upcoming meeting agendas/summaries for the Citizens Transportation Commission.

THIS ITEM IS FOR INFORMATION ONLY.

Summary

The Citizens Transportation Commission advances transparency, public input, and government accountability by reviewing appropriations provided by the Phoenix Transportation 2050 plan (T2050), as approved by the voters on Aug. 25, 2015.

The Commission reviews T2050 appropriations and program recommendations of the Public Transit Department and the Street Transportation Department; annually review the revenues and expenditures of T2050 funds, as well as funding from other sources; conducts public meetings; and formulates and presents recommendations to the Phoenix City Council related to revenues, expenditures, projections, programs and major projects as called for by T2050.

Meeting agendas and/or additional information for previous and upcoming Citizens Transportation Commission meetings will be distributed to Transportation, Infrastructure and Innovation Subcommittee members at each Subcommittee meeting.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.



Freeway Program Update

This report provides the Transportation, Infrastructure and Innovation Subcommittee updates on the Arizona Department of Transportation (ADOT) freeway program within the City of Phoenix.

THIS ITEM IS FOR INFORMATION ONLY.

Summary

The Maricopa Association of Governments (MAG) Regional Transportation Plan reflects numerous freeway construction projects and studies underway within the City of Phoenix. These projects are funded from the voter approved priorities in the Proposition 400 half-cent sales tax as well as from state and federal revenue sources. The City of Phoenix works closely with ADOT on these major construction projects to ensure coordination of all construction activities with City departments. This report is an overview of the current major freeway projects. A monthly report will be provided to the Transportation, Infrastructure and Innovation Subcommittee reflecting project changes as well as new projects.

South Mountain/Congressman Ed Pastor Freeway

The South Mountain/Congressman Ed Pastor Freeway is the last piece in completing the Loop 202 system. The 22-mile South Mountain Freeway runs east and west along Pecos Road and then north and south between 55th and 63rd avenues, connecting with Interstate 10 (I-10) on each end. This is the single largest freeway project in Arizona history - built at one time. The entire freeway is within the City of Phoenix.

Key elements of this project are 40 bridge structures, 15 traffic interchanges, 11 miles of sound walls, 5 multi-use crossings, 4.5 miles of improvements at I-10, a six-mile shared use path, and a pedestrian bridge.

The freeway opened in December 2019.

Update:

- **Work will continue into fall 2020 to complete a traffic Interchange at 32nd Street, a 6-mile shared use path between 40th Street and 17th Avenue,**

completion of pedestrian bridge north of Broadway Road, additional quiet pavement, as well as landscaping.

Interstate 17 - Pinnacle Peak And Happy Valley Road

This project is rebuilding the traffic interchanges on Interstate 17 (I-17) at Happy Valley and Pinnacle Peak roads to improve safety and traffic flow as population growth and development in this area continues.

The bridge reconstruction at Pinnacle Peak Road will have two through lanes in each direction, bicycle lanes and pedestrian walkways. The bridge reconstruction at Happy Valley Road will remove the existing roundabouts and construct a Diverging Diamond traffic interchange with three through lanes in each direction, bicycle lanes and pedestrian walkways.

Construction began in November 2018 and is scheduled for completion in fall 2020.

Update:

- **On Aug. 7, ADOT began removing the Happy Valley Road roundabouts to add the diverging diamond interchange. This work will take place through September and requires drivers to take alternate routes. The northbound I-17 on-ramp and the southbound I-17 off-ramp at Happy Valley Road will be CLOSED. The southbound frontage road will be closed between Jomax and Happy Valley roads, and the northbound frontage road will be closed between Happy Valley Road and Agave.**
- **All lanes on Pinnacle Peak Road are scheduled to open in early Sept.**
- **The public art installation being managed by the Office of Arts and Culture will start being placed on the Happy Valley Road bridge structure this month.**

Loop 101 - Interstate 17 To Pima Road

This project is widening and improving the Loop 101 (Pima Freeway) from I-17 in Phoenix east to Pima Road in Scottsdale. The improvements are needed to address growing traffic demands in the northeast Valley and relieve traffic congestion on the Loop 101 during the morning and evening peak travel periods.

The major elements of this project include adding one general purpose lane in each direction between I-17 and Pima Road, adding an auxiliary lane in each direction between Seventh Street and Cave Creek Road, and modifying freeway ramps and frontage road connections at 11 interchanges. Additional components include construction of noise or retaining walls where warranted, improvements to drainage and new rubberized asphalt resurfacing and pavement markings.

Construction began in February 2019 and is scheduled for completion in spring 2021.

- **The Loop 101 (Pima Freeway) from Interstate 17 to Pima Road will now be receiving a final pavement treatment called diamond grinding, in conjunction with the current widening project. The diamond grinding pavement treatment will replace the previously planned rubberized asphalt paving for this project.**
- **Diamond grinding involves the use of specialized machines with diamond-tipped blades on rotating drums, which remove a thin layer of concrete roadway while creating small grooves to limit vehicle tire noise. This process leaves the roadway surface with a consistent, smooth texture.**
- **On July 9, ADOT held a virtual meeting with community members and representatives from the Federal Highway Administration to discuss sound walls at the Loop 101 and 16th St. Neighbors expressed concerns that a new sound wall was not being added at the southwest corner of 16th St. ADOT has committed to working with the neighbors to conduct additional noise testing to see if a wall is warranted when the construction project is completed.**

Interstate 17 Frontage Road Drainage Improvement

This project will be constructing improvements to the cross-street drainage system along the I-17 frontage road between Greenway Road and Dunlap Avenue. The purpose of the project is to improve the drainage facilities that remove storm runoff from the Greenway, Thunderbird, Cactus, and Peoria cross streets, helping to reduce the potential for flooding at the I-17 overpasses.

The improvements will include a new, gravity-powered storm drain system, utilizing various sizes of concrete pipes and new drainage basins at Thunderbird Road, and the removal of the existing pump stations from the cross streets.

Construction is scheduled to begin January 2020 and is expected to take two years to complete.

Update:

- **The southbound I-17 frontage road between Peoria and Dunlap avenues is closed for approximately four months starting March 17. Southbound I-17 on- and off-ramps in the area will remain open at this time. Future around-the-clock closures of other sections of the north or southbound I-17 frontage roads will be needed as the installation of pipelines advances. Drivers should plan on using alternate routes, including 19th and 35th avenues.**
- **The ADOT project team will maintain access to homes and businesses while the frontage road closures are in place. If a section of frontage road is closed,**

alternate routes may include travel on local streets in the area.

Interstate 17 - Indian School Traffic Interchange Study

ADOT is conducting a study to improve traffic flow and safety at I-17 and Indian School Road. The study area encompasses Indian School Road between 19th and 31st avenues and I-17 from approximately one-half mile south and one-half mile north of Indian School Road

Approximately 50,000 vehicles use east- and westbound Indian School Road at I-17 per day. This volume is 40 percent higher than on Thomas Road at I-17 (one mile south) and 25 percent higher than on Camelback Road at I-17 (one mile north). Traffic congestion levels on Indian School Road at I-17 are projected to continue increasing.

After evaluating options for a new traffic interchange in this location, a three-level diamond interchange was advanced as the Recommended Build Alternative. If constructed, this interchange would include:

- A flyover bridge along Indian School Road to allow east-west through traffic to bypass the intersections at the I-17 ramps and frontage roads
- New roadways approaching the flyover bridge with embankments and retaining walls
- A reconstructed and widened Indian School Road to accommodate the flyover bridge and new approaches
- Two new pedestrian bridges - one north and one south of Indian School Road - to allow pedestrians to cross I-17 safely

Construction is scheduled to begin in late summer 2021 and last 18 to 24 months.

Interstate 10 - Broadway Curve

The I-10 Broadway Curve project is planned to improve a segment of I-10 between the I-10/Interstate 17 (I-17) Split Traffic Interchange and the South Mountain Freeway/Congressman Ed Pastor Freeway State Route 202 near Pecos Road. The project encompasses one of the most heavily traveled segments of freeway in the Valley. Traffic volumes within this 11-mile section of I-10 exceed 250,000 vehicles per day and include vital connections to I-17, State Route 143, US-60, and State Route 202.

The I-10 Broadway Curve project is currently in the preliminary design phase and a draft Environmental Assessment (EA) has been released for review. After ADOT completes the Environmental Assessment, the project is estimated to begin design in the fall of 2020. The procurement process to select a design-build developer team is

underway.

The proposed improvements being studied include:

- Adding general purpose and high occupancy vehicle (HOV) lanes
- Adding a collector-distributor road system to reduce the number of lane changes on the freeway
- Improving connections between I-10 and the State Route 143 and Broadway Road to improve HOV lane connections
- Improving connections of I-10 and US 60 (Superstition Freeway)
- Constructing new bridges to accommodate new interchange facilities and additional lanes
- Building retaining and sound walls
- Constructing pedestrian bridge crossings to improve pedestrian access across the freeway

Construction is scheduled to begin in spring or early summer of 2021.

Update:

- **On August 11, three project proposals were submitted to ADOT. The three proposing teams are: Kiewit/ HDR, Pulice/FNF/Flatiron (PFF), Granite/Sundt/Parsons (AZ Mobility Partners).**
- **City of Phoenix technical staff will participate with ADOT in reviewing and ranking the proposals. It is expected that a preferred proposer will be selected in October/November 2020.**

Interstate 10 Deck Park (Hance Park) Tunnel Repair

The Deck Park Tunnel is an underpass that carries the I-10 freeway beneath downtown Phoenix between 3rd Avenue and 3rd Street. The tunnel consists of a series of nineteen side-by-side bridge structures. Construction of the facility began in 1983 and opened to traffic on Aug. 10, 1990. The tunnel carries approximately 230,000 vehicle trips per day and provides a critical link for regional connectivity and mobility.

Leaks in the ceiling structure of the Deck Park Tunnel have occurred in the past and continue to appear. The water infiltration caused by the leaks can lead to deterioration of the tunnel infrastructure and impacts the ventilation and electrical systems, which could force closure of the tunnel to traffic. There is also concern that any damage could produce a need for repairs that would require excavation of Margaret T. Hance Park, which is undergoing a major, \$100 million revitalization expected to begin in March 2020.

ADOT, MAG and the City of Phoenix initiated an I-10 Deck Park Tunnel Waterproofing Study in May 2019 because of concern with the integrity of the tunnel. The goal of the study was to evaluate the current water-tightness of the tunnel structure and provide recommendations that minimize the potential for significant leak-related problems for the next 25 years.

The study concluded in August 2019 and recommended that all joints that have not been repaired in the last five years be replaced, which comprises 15 of the 19 total joints. ADOT intends on working closely with the City of Phoenix to coordinate construction activities of the joint work with the Hance Park revitalization project to minimize cost and public disturbance.

Construction is scheduled to begin in March 2020.

- **Repairs to Interstate-10 tunnel joints located under the west side of the park property are complete, and crews continue the process of installing geofam to develop the escarpment that borders the play area and curves through this side of the park. Geofam provides a lightweight fill that is necessary to change the park's elevation, while managing weight restrictions for the portions of the park that are over the I-10 tunnel.**
- **Work to repair I-10 tunnel joints under the Japanese Friendship Garden started in July. The City of Phoenix Parks and Recreation Department, Haydon Building Corp and ADOT are working closely with representatives from the Garden to coordinate this work and minimize the impact. Following the joint repairs, the Japanese Friendship Garden will be returned to its pre-construction condition**

Interstate 17 - Central Avenue Bridge Reconstruction

The scope of this project is to replace the existing I-17 and Central Avenue bridge. The bridge was constructed in 1962 and is nearing the end of its useful service life. The existing vertical clearance of 13 feet, 11 inches over Central Avenue does not meet current design standards, prohibiting high-profile vehicles from using Central Avenue beneath the bridge, and cannot accommodate the Valley Metro South Central Light Rail Extension. The bridge will be widened to accommodate auxiliary lanes between successive ramps on I-17. The project includes new I-17 roadway approaches, retaining walls, FMS improvements, lighting improvements, drainage improvements, and signing and striping.

Construction began in April 2020 and is expected to be completed in fall 2021.

Update:

- **Currently, there are lane restrictions on I-17 in both directions as work continues on the bridge replacement at Central Avenue. North and southbound I-17 are narrowed to two lanes (left lane closed) between Seventh Street and Seventh Avenue.**

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the City Manager's Office.



Water Services Department Drought Resiliency Infrastructure Program Update

This report provides the Transportation, Infrastructure and Innovation Subcommittee an update on the Water Services Department's (WSD) Drought Pipeline Project.

THIS ITEM IS FOR INFORMATION ONLY.

Summary

The WSD Drought Resiliency Infrastructure Program is an approximately \$300 million improvement that includes 12 miles of new pipelines and four booster pump stations. These improvements will allow water to be moved from the 24th Street and Deer Valley Water Treatment Plants, which utilize Salt River Project water, to areas of Phoenix that are dependent upon Colorado River water.

At the Transportation Infrastructure & Innovation Subcommittee (TI&I) meeting on Oct. 2, 2019 staff provided an overview and update on the program (**Attachment A**).

Attachment B is a project map with updates to the design and construction stages contained within this report.

Updates are provided below, by project:

Pipeline Project 1

There are two independent, but related, pipeline projects in the neighborhood near 22nd Street and Lincoln Drive and the Phoenix Mountain Preserve (Preserve).

Since the Oct. 2, 2019 TI&I update, WSD negotiated with the Arizona Department of Transportation (ADOT) to secure the right for permanent use of its Right-of-Way (ROW) along a portion of State Route (SR) 51 for the 66-inch pipeline. This newly acquired ROW will allow the 66-inch pipeline to avoid the 22nd Street Trailhead and avoid going through the mountain just west of the 22nd Street Trailhead. The 66-inch pipeline will now enter the Preserve at the 20th Street alignment and be installed along SR 51, north to the bike path. This section along the SR 51 will be built on the route of the original freeway, prior to SR 51, and utilize the previous entrance into Dreamy Draw Park.

48-inch Alignment

The project is currently in construction, which began in April, 2020.

66-inch Alignment

The project is currently in the final design process and construction is scheduled for February, 2021.

24th Street Water Treatment Plant Booster Pump Station

Design and construction of a new 76 million gallons per day (MGD) booster pump station at the 24th Street Water Treatment Plant.

The project is currently in the final design process and construction is scheduled for February, 2021.

Pipeline Project 2

Installation of a new 66-inch water main in the area of 32nd Street from Shea Boulevard to Bell Road. Also included in this project is the design and construction of a 60 MGD booster pump station near 32nd Street and Bell Road.

The project is currently in the final design process and construction is scheduled for February, 2021.

Pipeline Project 3

Installation of a new 42-inch water main in the area of 35th Avenue from Thunderbird Road to Greenway Avenue.

This segment of the project was initially anticipated to extend north to Grovers Avenue but during design it was determined the project could be shortened 1.5 miles, to approximately Greenway Avenue, for additional project savings.

This project is currently in the 90 percent design process and construction is scheduled for January, 2022.

Central and Deer Valley Road Booster Pump Station

Installation of a new 60-inch pipeline at Central Avenue and Deer Valley Road. Design and construction of a 40 MGD booster pump station on Central Avenue south of Deer Valley Road.

This project is currently in the 90 percent design process and construction is scheduled for March, 2021.

Deer Valley Water Treatment Plant Booster Pump Station

Design and construction of upgrades to 40 MGD booster pump station at the Deer Valley Water Treatment Plant.

This project is currently in the 90 percent design process. Construction is scheduled for January, 2023.

Community Outreach

The project team began reaching out to schools and stakeholders in all affected areas in May 2019 to introduce the project and receive customer and resident input. Staff was scheduled to present at the March 16, 2020 Phoenix Sonoran Preserve and Mountain Parks/Preserves Committee meeting but due to precautions surrounding COVID-19 the presentation was postponed. The restoration plan was later presented at the July 20, 2020 Phoenix Sonoran Preserve and Mountain Parks/Preserves Committee meeting.

The project team plans to hold an online Open House, which will be available from approximately November 2020 until January 2021 for Pipeline Project 2. The project team will also be conducting in-person business meetings along the Pipeline Project 2 corridor to obtain information from businesses to enhance coordination during construction.

Additionally, a public outreach program has been created to inform and educate residents, businesses, community groups, organizations, schools, faith groups, and recreational groups about the impact of the infrastructure upgrades in their community. The public outreach program includes an ombudsman, project website, hotline project phone number, project email address, community meetings, business meetings, mountain preservation group meetings, fire and police coordination, press releases, direct mail, door hangers, social media platforms, newsletters, City Council engagement, youth activities in schools, a public art project, coordination with City departments, WSD website, traffic signage, park & trails signage, community groups (HOA/Block Watch/Village meetings) and other community events.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.

Attachment A

Transportation, Infrastructure and Innovation Subcommittee



City of Phoenix

City Council Report

Agenda Date: 10/2/2019, Item No. 13

Water Services Department Drought Resiliency Infrastructure Program Update

This report provides the Transportation, Infrastructure and Innovation Subcommittee an update on the Water Services Department's (WSD) Drought Resiliency Infrastructure Program.

THIS ITEM IS FOR INFORMATION AND DISCUSSION.

Summary

The Colorado River is over-allocated and may not be able to supply water adequate to meet demands in the future. Lake Mead, Arizona's main reservoir, has been experiencing alarmingly low water levels entering into the 20th year of drought.

Over many decades, Phoenix Water Services has acquired water supplies from the Salt and Verde Rivers that can be used to meet demands in areas of Phoenix normally served with Colorado River water. However, the Phoenix water system lacks the infrastructure to move Salt and Verde River water to the northern area of Phoenix that is currently supplied by Colorado River water. Major upgrades to the water system are necessary to ensure safe and reliable drinking water to our customers during times of severe shortage on the Colorado River and to provide water system resiliency. The new infrastructure improvements will allow water to be moved from the 24th Street and Deer Valley Water Treatment Plants to the areas of Phoenix currently dependent on Colorado River water.

The improvements will include 12 miles of new pipelines, 4 booster stations to transport and boost clean water throughout the water distribution system, and pressure-reducing-valve stations to regulate and maintain safe water pressure to provide better water distribution. The cost of this infrastructure is approximately \$300 million.

Design of the improvements began in early 2019. Construction is anticipated to start in January 2020 and continue through the end of 2022. Construction is segmented into three main pipeline projects and two pump station projects:

Pipeline Project 1

Installation of new 66-inch water main along with a 48-inch water main in the area of

the Phoenix Mountain Preserve and nearby neighborhoods from 20th Street and Maryland to 32nd Street and Shea Boulevard. Design and construction of a 60 million-gallons-per-day (mgd) booster pump station at the 24th Street Water Treatment Plant. Project 1 is currently in the 30% design process. Construction in neighborhoods begins January 2020. Construction in the Mountain Preserve is scheduled for May 2021.

Pipeline Project 2

Installation of a new 66-inch water main in the area of 32nd Street from Shea Boulevard to Bell Road. Design and construction of a 60 mgd booster pump station near 32nd Street and Bell Road. Project 2 is currently in the 30% design process. Construction is scheduled for September 2020.

Pipeline Project 3

Installation of a new 42-inch water main in the area of 35th Avenue from Thunderbird Road to Grovers Avenue. Project 3 is currently in the 30% design process. Construction is scheduled for September 2020.

Deer Valley Water Treatment Plant Booster Pump Station

Design and construction of a 40 mgd booster pump station. This project is currently in the 30% design process. Construction is scheduled for September 2020.

Central and Deer Valley Road Booster Pump Station

Installation of a new 60-inch pipeline at Central and Deer Valley Road. Design and construction of a 60 mgd booster pump station on Central Avenue south of Deer Valley Road. This project is currently in the 30% design process. Construction is scheduled for September 2020.

The project team began reaching out to schools and stakeholders in all affected areas in May 2019 to introduce the project and receive customer input. Staff is presenting to Phoenix Sonoran Preserve and Mountain Parks/Preserves Committee in September and to the Phoenix Mountains Preservation Council in October.

The project team has also created a public outreach program to inform and educate residents, businesses, community groups, organizations, schools, faith groups, and recreational groups about the impact of the infrastructure upgrades in their community. The public outreach program includes a hotline project phone number, project email address, community meetings, business meetings, mountain preservation group meetings, fire and police coordination, press releases, direct mail, door hangers, social media platforms, newsletters, City Council engagement, youth activities in schools, a public art project, coordination with City departments, WSD website, traffic signage,

park & trails signage, community groups (HOA/Block Watch/Village meetings) and other community events.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



INVESTING IN OUR WATER FUTURE

PHX WATER SMART

Pipeline Project 1

Phoenix Mountain Preserve and nearby neighborhoods.
66" transmission main & 48" transmission main



Pipeline Project 2

32nd Street from Shea Boulevard to Bell Road
66" transmission main







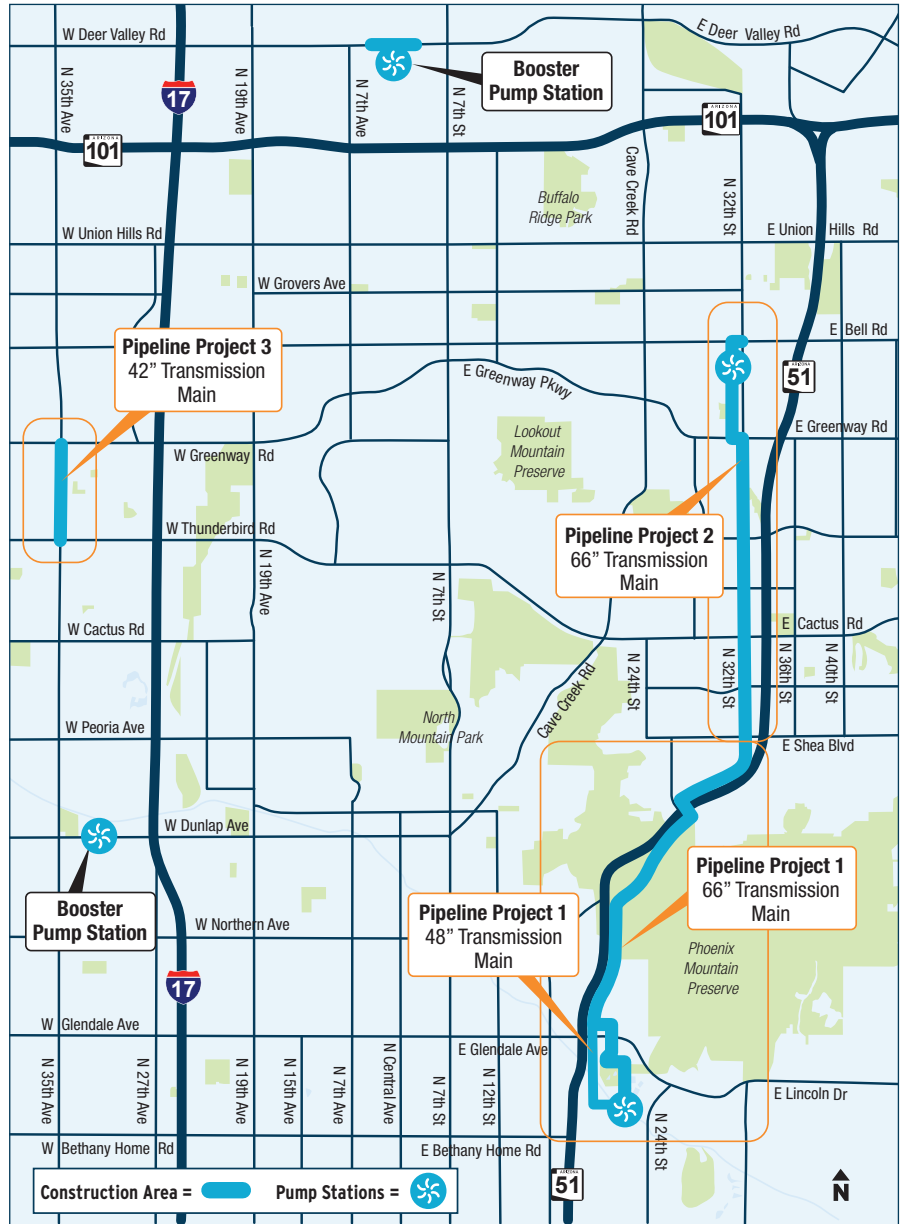
Pipeline Project 3

35th Avenue from Thunderbird Road to Greenway Road
42" transmission main



Booster Pump Stations:

-  24th Street Water Treatment Plant booster pump station
-  32nd Street & Bell Road booster pump station
-  Deer Valley Water Treatment Plant booster pump station
-  Central Avenue and Deer Valley Road booster pump station



STAY INFORMED: Receive regular updates on the Drought Pipeline Project by joining the information email list. Email your name, address, phone and email address to waterworks@phoenix.gov to be included in the updates.

Information provided will only be used for internal information purposes only. Personal information will never be provided to outside vendors.

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Clayton Freed, Project Manager
Phoenix Water

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WATERWORKS@PHOENIX.GOV**



Phoenix City Code Amendments Related to Chapters 28 - Sewer and 37 - Water

This report requests that the Transportation, Infrastructure and Innovation Subcommittee recommend City Council approval of the proposed updates to Phoenix City Code Chapters 28 - Sewer, and 37 - Water.

THIS ITEM IS FOR DISCUSSION AND POSSIBLE ACTION.

Summary

Chapters 28 and 37 of Phoenix City Code were reviewed for the purposes of:

1. conforming code to new requirements under the federal Clean Water Act;
2. Streamlining and, where possible, simplifying language for enhanced transparency; and
3. Revising code to reflect the recommendations of the Citizens' Water/Wastewater Rate Advisory Committee's Water Equity Initiative.

The proposed changes are included as follows:

Attachment A - Chapter 28

Attachment B - Chapter 37

Highlights of the Proposed Amendments

General Clean-up:

Revisions to clarify definitions, policies and procedures, and to ensure consistency between City Code chapters.

Conformance with the Clean Water Act:

The new federal rule, Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution, revises several provisions of the General Pretreatment Regulations (40 CFR Part 403). The Pretreatment Program requires industrial wastewater dischargers to use treatment techniques and management practices to reduce or eliminate the discharge of harmful pollutants to sanitary sewers. Substantial revision to and reorganization of portions of Chapter 28 were made to incorporate the provisions and requirements of the federal regulations.

Water Equity Recommendations:

Revisions to allow the Water Services Director to limit water flows to single-family residential customers, rather than disconnect them entirely as is currently required for purposes of enforcing City Services Bill revenue; and revisions to cease the accrual of late fees for single-family residential customers once their water service has been either disconnected or restricted for purposes of enforcing City Services Bill revenue. Both revisions favor the customer and are meant to enhance access to water and wastewater services.

Chapter Specific Substantive Changes

Chapter 28 (Sewer):

- Adding language on the development and implementation of Best Management Practices (28-9.1);
- Clarifying the maintenance and capacity obligations of facilities using interceptors (28-15);
- Revising, clarifying, and removing redundant language on sewer main extensions and repayment agreements (28-21 through -24);
- Allowing for the issuance of a temporary discharge authorization (28-27.1);
- Clarifying the process for customers to request a sewage discharge volume adjustment to their bill (28-35(d));
- Removing language for charging and billing other cities for use of the publicly owned treatment works (POTW) (28-39);
- Clarifying the billing and collection process for sewer accounts and allowing for the filing of liens (28-41);
- Clarify the role of the Citizens' Wastewater Rate Advisory Committee (28-58); and
- Adding language clarifying the range of civil penalties for violations of Chapter 28 and the enforcement notices the Director may issue (28-83).

Chapter 37 (Water):

- Clarifying that Chapter 37 applies to all Phoenix water customers, whether inside or outside City boundaries (37-29);
- Clarifying that public emergencies are grounds for Director implementing alternate payment methods for customers (37-95.1);
- Amending provisions for the Appraisal Review Board so that members are appointed and serve as needed instead of as a standing committee (37-96);
- Streamlining and simplifying water conservation requirements; making conservation requirements more consistent with state requirements; eliminating permit requirements for turf facilities and bodies of water (Art. IX);
- Removing erroneous provisions charging excise tax to customers outside of the City (37-63.1; 37-64.1);

- Clarifying process for designating a stage of water emergency (37-130);
- Repealing limited exemption for use of reclaimed water during Water Use Reduction Stage (37-130.2);
- Adding a provision for civil penalties for violations of Chapter 37 ranging from \$100-\$2,500 for violations (37-99.1);
- Clarifying the process for customer's seeking review of the accuracy of the water bill (37-95); and
- Adding an option for landlords to maintain the water account in the landlord's name (37-90).

Concurrence/Previous Council Action

The City of Phoenix Water / Wastewater Rate Advisory Committee recommended approval of Water Equity updates to Phoenix City Code on June 23, 2020 by a 7-1 vote.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.

Attachment A

Chapter 28

SEWERS

Article I. General

- Sec. 28-1. Definitions.
- Sec. 28-2. Water Services Department—Administration.
- Sec. 28-3. Water Services Department—Duties—Water Services Director.
- Sec. 28-4. Interference with the Water Services Department; digging up streets without a permit; tampering with equipment prohibited.
- Sec. 28-5. Property owner responsible for cleaning, repair, and replacement of building sewers and connections.
- Sec. 28-5.1. Sewer service line repair and replacement in the public right-of-way.

Article II. Use of Public Sewers and Limitations

- Sec. 28-6. Unsanitary disposal of SEWAGE AND excrement prohibited.
- Sec. 28-7. Treatment of polluted wastes required.
- Sec. 28-8. General user requirements PROHIBITIONS AND EFFLUENT LIMITS.
- Sec. 28-9. Authority of Director to establish prohibitions and effluent limitations LIMITS.
- Sec. 28-9.1. Authority of Director to require best management practices.
- Sec. 28-10. Preliminary treatment PRETREATMENT SYSTEMS, DEVICES, AND FACILITIES—Required approval.
- Sec. 28-11. Preliminary treatment PRETREATMENT—Maintenance of SYSTEMS, DEVICES, AND facilities.
- Sec. 28-11.1. PRETREATMENT-BYPASS.
- Sec. 28-12. Interceptors—Required.
- Sec. 28-13. Interceptors—Type; capacity; location.
- Sec. 28-14. Interceptors—Construction of ~~grease and oil interceptors.~~
- Sec. 28-15. Interceptors—Maintenance.
- Sec. 28-16. ~~Control manholes~~ ADOPTION OF CITY DESIGN STANDARDS MANUAL FOR WATER AND WASTEWATER SYSTEMS.
- Sec. 28-17. Right of entry for inspection.
- Sec. 28-18. Discharges to be reported.
- Sec. 28-19. ~~Tests and analyses~~ RESERVED.

Sec. 28-20. Reserved.

Article III. Sewer Extensions

Sec. 28-21. ~~Approval by City Engineer and Director required~~ EXTENSIONS – CONNECTIONS WITH THE COLLECTION SYSTEM.

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

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

Sec. 28-24. ~~Sewer extensions in advance of a sewer assessment district~~ RESERVED.

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

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

Article IV. Connections to Public Sewers and Charges

Sec. 28-27. Permit required.

Sec. 28-27.1. TEMPORARY DISCHARGE AUTHORIZATION REQUIRED.

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

Sec. 28-29. ~~Planning and Development Director to approve~~ APPROVAL OF design, quantity, location, size, and construction of sewer services CONNECTIONS.

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

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

Sec. 28-32. Installation of sewer taps.

Sec. 28-33. ~~Reserved~~ ADOPTION OF CITY DESIGN STANDARDS MANUAL FOR WATER AND WASTEWATER SYSTEMS.

Article V. Sewer Service Charges

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

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

Sec. 28-36. Determination of wastewater quality.

Sec. 28-37. Other user charge provisions.

Sec. 28-38. Other sewer service charges.

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

- Sec. 28-40. Reserved.
- Sec. 28-41. Payment of bills and charges.
- Sec. 28-41.1. Application for service.
- Sec. 28-41.2. Financial responsibility deposits.
- Sec. 28-41.3. Errors in sewer fees.
- Sec. 28-42. Reserved.
- Sec. 28-43. Distribution of sewerage system revenues and utilization of funds.

Article VI. Industrial User and Pretreatment Requirements

- Sec. 28-44. General industrial user requirements.
- Sec. 28-44.1. AUTHORIZED REPRESENTATIVE; CERTIFICATION STATEMENT.
- Sec. 28-44.2. COMPLIANCE SAMPLING POINTS.
- Sec. 28-44.3. ANALYTICAL REQUIREMENTS.
- Sec. 28-44.4. SAMPLE COLLECTION.
- Sec. 28-44.5. INDUSTRIAL USER REPORTING AND RECORDKEEPING REQUIREMENTS.
- Sec. 28-44.6. SIGNIFICANT INDUSTRIAL USER PERIODIC COMPLIANCE REPORT REQUIREMENTS.
- Sec. 28-44.7. CATEGORICAL INDUSTRIAL USER BASELINE MONITORING REQUIREMENTS.
- Sec. 28-44.8. COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE REPORTS.
- Sec. 28-45. Significant industrial user PERMIT GENERAL requirements.
- ~~Sec. 28-45.1. Special discharges~~ INDIVIDUAL INDUSTRIAL USER PERMITS.
- Sec. 28-45.2. GENERAL SIGNIFICANT INDUSTRIAL USER PERMITS.
- Sec. 28-45.3. CATEGORICAL INDUSTRIAL USER PERMIT LIMITS.
- ~~Sec. 28-46. Authority of the Director~~ INDIVIDUAL AND GENERAL PERMITS.
- Sec. 28-46.1. Permit appeals process.
- Sec. 28-46.2. PRETREATMENT PROGRAM COMPLIANCE.
- Sec. 28-46.3. PRETREATMENT PROGRAM NONCOMPLIANCE.
- Sec. 28-46.4. PRETREATMENT PROGRAM SIGNIFICANT NONCOMPLIANCE.
- Sec. 28-46.5. RESPONSE TO PRETREATMENT PROGRAM NONCOMPLIANCE.
- Sec. 28-46.6. PENALTIES FOR PRETREATMENT PROGRAM NONCOMPLIANCE.
- Sec. 28-46.7. PUBLIC PARTICIPATION AND NOTIFICATION.
- Sec. 28-46.8. POTW USERS OUTSIDE CITY JURISDICTIONAL BOUNDARIES.

- Sec. 28-47. ~~Confidential information~~ TRADE SECRET PROTECTION.
Sec. 28-48 - 28-52. Reserved.

Article VII. Accidental Discharge

- Sec. 28-53. ~~Permittee provides protection~~ ACCIDENTAL OR SLUG DISCHARGE CONTROL PLANS.
Sec. 28-54. ~~Permittee shall notify City of a~~ Accidental OR SLUG discharge NOTIFICATION.
Sec. 28-55. ~~Permittee will notify employees~~ USER EMPLOYEE NOTICE.
Sec. 28-56. ~~Permittee shall label~~ LABELING potential accidental discharge points.

Article VIII. Citizens' Wastewater Rate Advisory Committee

- Sec. 28-57. Citizens' Wastewater Rate Advisory Committee—Composition; appointment.
Sec. 28-58. Citizens' Wastewater Rate Advisory Committee—Functions and purposes.
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.
Sec. 28-82. Criminal penalty.
Sec. 28-83. Civil penalty.
Sec. 28-84. Remedies.
Sec. 28-85. TERMS AND CONDITIONS OF SEWER SERVICE.
Sec. 28-86 - 28-89. Reserved.

Article XI. Sewer Environmental Charge

- Sec. 28-90. Definitions for article XI.
Sec. 28-91. Purpose of sewer environmental charge.
Sec. 28-92. Sewer environmental rate.
Sec. 28-93. Payment of bills and charges.
Sec. 28-94. Utilization of environmental charge revenues.

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 (e*Chemical e*Oxygen e*Demand*)(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 Yes 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 non-domestic 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 PUBLICa 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 BEin the 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 EVENTas 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 ~~ISewer 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 ~~IS~~ 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 ~~IS~~ 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 water 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/L 2.0

* 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 ~~three~~ 3 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 ~~INTERCEPTORS MUST~~ shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall ~~shall~~ MUST be of substantial construction, watertight, and equipped with easily removable covers. When bolted covers are required, they shall ~~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. ~~RESERVED~~Tests 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 shall ~~shall~~MUST 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~~ shall WILL 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 shall WILL 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 shall WILL be refunded to the customer.

Sec. 28-29. Planning and Development Director to approve APPROVAL OF design, quantity, location, size and construction of sewer services CONNECTIONS.

(a) The design, quantity, location, method of connection and size of all sewer taps shall ~~be~~S 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 shall WILL be installed by a private contractor in accordance with plans approved by the Planning and Development Director. Review fees shall WILL be paid as set forth in appendix A.2 of the City Code. Sewer taps shall MAY 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, shall MUST be connected to the City of Phoenix wastewater SEWER system. Sewer taps shall MUST extend at right angles from the main SEWER to the property line and shall MUST 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)~~ (b) It IS THE DEVELOPER'S RESPONSIBILITY ~~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~~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 ~~by~~USING 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.~~

~~(cb) 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.

~~(dc) 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 ~~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 <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
	Domestic Strength		
Without Dining Facilities	\$0.7655	\$1.4430	\$2.2085
With Dining Facilities	\$0.9513	\$1.7110	\$2.6623
Laundries/Commercial	\$1.5931	\$2.5686	\$4.1617
Mortuaries	\$1.4238	\$2.2052	\$3.6290
Restaurants and Bakeries			
Without Dining Facilities	\$1.8529	\$2.9483	\$4.8012
With Dining Facilities	\$1.9622	\$3.1088	\$5.0710
Public			
Federal Buildings			
Without Dining Facilities	\$0.7423	\$1.3881	\$2.1304
With Dining Facilities	\$0.8897	\$1.6204	\$2.5101
All Other Public			
Without Dining Facilities	\$0.7423	\$1.3881	\$2.1304
With Dining Facilities	\$0.8897	\$1.6204	\$2.5101

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; 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;

~~(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; or

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

~~(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;

(h) 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;

(j) Reimburse the City for all extraordinary expenses reasonably incurred by the City ~~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 measureS 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 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~~ SUPSPENION 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) EFFECTIVE 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.

DRAFT

Attachment B

Chapter 37

WATER

Article I. General

Sec. 37-1. Definitions.

In this Chapter:

Approved backflow prevention assembly or assembly means any testable assembly for the purpose of backflow prevention, with the exception of an approved air gap, that has been issued a certificate of approval by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research, or such other third-party certifying entity, unrelated to the product's manufacturer or vendor, that is acceptable to the Arizona Department of Environmental Quality. The Director maintains a list of assemblies.

Association means the Salt River Valley Water Users' Association, an Arizona corporation.

Backflow means the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution system of the public potable water supply.

Backpressure means a form of backflow due to any elevation of pressure in the downstream piping system (by pump, elevation of piping, or steam and/or air pressure) in excess of the supply pressure at the point of service delivery that would cause, or tend to cause, a reversal of the normal direction of flow through the backflow prevention assembly.

Body of water means a lake, pond, lagoon or swimming pool in a new development that has a total surface area greater than 12,320 square feet or is larger than one per cent of the net lot area of the parcel of land on which the water feature is located, and that is filled or refilled for landscape, scenic or recreational purposes. A body of water that is used incidentally for landscape, scenic or recreational purposes is deemed not to be filled or refilled for landscape, scenic or recreational purposes. Only for the purpose of determining the surface area of a body of water, two or more bodies of water that are connected are considered to be one body of water. A swimming pool that has a surface area less than 12,320 square feet is not a body of water.

Certified repairer means an individual certified to repair backflow prevention assemblies by the California-Nevada Section of the American Water Works Association, the Arizona State Environmental Technology Training Center, or another agency or organization involved with the training and certification of repairers acceptable to the Arizona Department of Environmental Quality.

Certified tester means an individual certified to test backflow prevention assemblies by the California-Nevada Section of the American Water Works Association, the Arizona State Environmental Technology Training Center or another agency or organization involved with the training and certification of testers acceptable to the Arizona Department of Environmental Quality.

City design standards means the City Design Standards Manual for Water and Wastewater Systems as described in section 37-17.

City public water system or public water system means all water utility components operated and maintained by the City by which the City provides water within the City and to the City's customers.

Contiguous means in contact at any point along a boundary or part of the same master planned community. Two parcels of land are contiguous even if they are separated by one or more of the following: a road, easement or right-of-way.

Cross connection means any unprotected or potential connection or structural arrangement between a public or a customer's potable water system and any other source or system through which it is possible to introduce into any part of the potable water system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross connections. Compliance with the Phoenix Plumbing Code creates a rebuttable presumption that a cross connection does not exist.

Customer means any person that holds a City water or wastewater services account in the person's name or that receives water from the City public water system.

Department means the City Water Services Department.

Department representative means an employee of the Department or a person contracted to do work for the Department.

Developer means any person that subdivides land or constructs, reconstructs, converts, structurally alters, relocates, or enlarges any structure.

Development means the subdivision of land or the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure.

Director means the City Water Services Director or a person designated in writing by the Director to act on the Director's behalf.

DWR means the Arizona Department of Water Resources.

Existing turf-related facility means a turf-related facility that, as of September 30, 1994, is in operation or has obtained all pre-construction permits and approvals required by federal, state or local government, or for which substantial capital investment has been made in the physical on-site construction of the facility in the 12 months before September 30, 1994, or that is owned or operated by a party, successor or designee who has agreed to be bound by the provisions of an agreement requiring use of reclaimed water and covering the conditions of reclaimed water service entered into with the City before September 30, 1994. This includes an expansion or modification of a turf-related facility, if that expansion or modification increases the area of land to which water is applied for turf-related watering purposes and has been substantially commenced as of September 30, 1994. An expansion or modification has been substantially commenced if the owner or operator of the facility has obtained all pre-construction permits or approvals required by federal, state or local government for that expansion or modification or has made a substantial capital investment in the physical on-site construction of the expansion or modification in the 12 months before September 30, 1994.

Groundwater Code means the Arizona Groundwater Management Act, Arizona Revised Statutes, tit. 45, ch. 2 (A.R.S. sections 45-401 *et seq.*) [2018], and any subsequent amendments of those statutes.

Landscape watering means the application of water from any source, including effluent, by a turf-related facility, to a water-intensive landscaped area, a low water use area, or revegetation acres. Revegetation acres means acreage contiguous to a turf-related facility that has been approved by the Director as qualifying for a revegetation allotment adjustment.

Landscaping plant means any member of the kingdom Plantae, including any tree, shrub, vine, herb, flower, succulent, ground cover, or grass species that grows or has been planted outdoors and is used for scenic design purposes.

Lot means a parcel of land or two or more contiguous parcels to be used as a unit.

Management Plan means the management plan for the Phoenix Active Management Area most recently adopted by the Director of DWR pursuant to Article 9 of the Groundwater Code.

New turf-related facility means a turf-related facility, including any expansion or modification, that increases the area of land to which water is applied for turf-related watering purposes, that has not been substantially commenced as of September 30, 1994, and that does not qualify as an existing turf-related facility.

Non-potable water means reclaimed water; stormwater runoff that is not subject to appropriation under section 45-141, Arizona Revised Statutes; water withdrawn pursuant to a poor quality groundwater withdrawal permit pursuant to section 45-516, Arizona Revised Statutes; groundwater withdrawn pursuant to a Type 1 or Type 2 non-irrigation certificate of grandfathered right issued by DWR; and any non-potable water source of a quality suitable for landscape irrigation, which meets all local, state and federal water quality requirements for full body contact.

Planning and Development Director means the Director of the City Planning and Development Department, or his authorized deputy, agent, designee or representative.

Point of service delivery means the terminal end of a service connection from the public water system. If a meter is installed at the end of the service connection, then the point of service delivery means the downstream end (i.e., customer's side) of the meter. If an unmetered connection exists, then the point of service delivery means at the point of demarcation between the public right-of-way or easements and private property.

Potable water means water delivered through the City's public water system after treatment designed to meet Environmental Protection Agency and Arizona Department of Environmental Quality drinking water standards.

Reclaimed water means wastewater that has been treated or processed by a wastewater treatment plant or an on-site wastewater treatment facility for reuse.

Roosevelt Irrigation District Exchange means the agreement and arrangement by which the City, Roosevelt Irrigation District, the Salt River

Project, and the Salt River Pima Maricopa Indian Community exchange water.

Salt River Project means the Association and the Salt River Project Agricultural Improvement and Power District.

Sewage, sewer, sewer system, and wastewater have the same meanings prescribed in section 28-1.

Suspend water service means to terminate or limit flows of the City public water system to a premises pursuant to this Chapter.

Terminate water service means to cease water flows of the City public water system to a premises pursuant to this Chapter.

Turf-related facility means a facility that applies water from any source to 10 or more acres of land for turf-related water purposes.

Used water means any water from the public water system after it has passed through a customer's point of service delivery.

Sec. 37-2. Water Services Department—Duties—Water Services Director.

The Director is the general executive officer of the Department and is in charge of all operations, personnel, equipment and facilities of the Department. The Director will control and ensure the sufficiency of the water supply. Except in emergencies, the Director will notify the affected public in advance of the need to suspend water service to make repairs, extensions, or connections. The Director will establish, administer and supervise rules, policies, procedures and agreements consistent with this Chapter. The Director will recommend and administer water and sewer service charges and fees. At all times, the Director's actions are subject to approval of the City Manager.

Sec. 37-3. Authority of Director to make decisions.

To accomplish this Chapter's goals and purposes, the Director may resolve any issue not expressly addressed by this Chapter, subject to the approval of the City Manager.

Sec. 37-4. Water Services Department—Duties.

The Department, under the supervision of the Director, will operate and maintain all City public water and sewer system facilities.

Sec. 37-5. Ownership of City public water system.

The City owns and controls all components of the City public water system. No person may claim, use, or control any facility of the City public water system except as otherwise provided by this Chapter.

Sec. 37-6. Shut-off valves.

The Department has exclusive control and authority over all shut-off valves of the City public water system. No unauthorized person may molest, disturb, or manipulate any shut-off valve on the City public water system. Customers may install a shut-off valve for the customer's use downstream of the point of service delivery.

Sec. 37-7. Obstruction of public water system.

No person may place any object, material, debris, or structure of any kind near or around, or in any way obstruct access to, valves, valve boxes, curb stops, water meter boxes, water gates, or any other component of the City public water system. No person may tamper with or damage the City's water infrastructure. No person may fill or cover any valve or meter box.

Sec. 37-8. Tampering with and damaging public water system.

No person may break, deface or damage any hydrant, valve, pipe, meter, waterworks appliance, or any other component of the City public water system. No person may interfere with the operation of the City public water system.

Sec. 37-9. Only authorized persons to turn on water.

A. Except for a Department representative, no person may open City water valves or otherwise turn on water from the City mains without written permission from the Director.

B. If a person turns on City water service without authority, the Department will promptly terminate water service. Service will not be re-established until the appropriate fee and any applicable repaving costs are paid.

Sec. 37-10. Unauthorized possession, sale or fabrication of Department keys or hydrant wrench.

No person may knowingly own, possess or maintain control of a curb stop key, valve key or hydrant wrench for the City public water system without written permission from the Director. No person may fabricate, buy, sell or

otherwise transfer a curb stop key, valve key, or hydrant wrench without written permission from the Director.

Sec. 37-11. Fire hydrants—Generally; purpose and use; permits.

The City installs and maintains fire hydrants for the primary purpose of extinguishing fires. The Department and the Fire Department may use the fire hydrants for any City purpose. The Department may issue a permit to allow persons to use fire hydrants temporarily for construction, dust control and special events and charge those fees and rates prescribed in section 37-73. The permit will contain conditions as the Director determines appropriate. The Director may deny or cancel a fire hydrant permit if a person fails to comply with the permit, damages a hydrant, violates any provision of this Chapter, or is delinquent for more than 30 days for payments owed to the City for water service.

Sec. 37-12. Fire hydrants—Obstructing access; unlawful use, tampering with or injuring.

No person may place any object, material, debris, vegetation or structure of any kind within 10 feet of, or in any way obstruct access to, a fire hydrant. No person may tamper with or damage a fire hydrant. No person may attempt to open or use a fire hydrant without a permit issued by the Department.

Sec. 37-13. General construction water—From fire hydrants; unmetered water for City projects to be estimated.

A. A person may apply for a fire hydrant permit from the Department for water for construction purposes only if an existing water service connection is unavailable or inadequate. If the permit is granted, the person must pay all applicable fees and charges prescribed in section 37-73, comply with all permit requirements, and comply with all provisions of this Chapter.

B. The Department may make unmetered water available for City projects, subject to the Director's approval and the terms of this subsection. The City department responsible for the project will furnish the Department with an estimate of all unmetered water used. The Department will bill the City department for all unmetered water used on the project at the same rate as water taken through a fire hydrant, in addition to a charge equal to the cost, including overhead, for any work the Department performed to provide the water for the City project.

Sec. 37-14. Interruption of water service.

The Department may shut off water service from the City's mains at any time without notice to address emergencies or to complete repairs, extensions, or other work. The City is not liable for any damages arising out of a water service shut-off or water escaping from the City mains breaking any pipe or fixture. Customers having machinery, material, processes, or operations requiring a constant supply of water must take all measures necessary to ensure a constant water supply, including installing a private water storage facility or taking other action as necessary on the customer's premises to prevent damage due to any interruption of the City's water service.

Sec. 37-15. Street works; utility relocation; notice to Department.

All persons performing work, such as grading, filling and trenching, or paving, within the City right-of-way must give the Director at least five business days' written notice in advance of the work. Any person performing work within the City right-of-way is liable to the City for any damage to the City's infrastructure resulting from that work. Any person performing work within the City right-of-way must comply with the City design standards.

Sec. 37-16. Structure unfit for human occupancy.

On receiving a written report from an authorized City or County officer that a structure has been declared unfit for human occupancy and ordered vacated, the Director will immediately terminate water service to the structure. The Director will not restore water service until the Director receives written notice from an authorized City or County officer that the structure is safe and fit for human occupancy.

Sec. 37-17. Adoption of City Design Standards Manual for Water and Wastewater Systems.

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.

Sec. 37-18—37-21. Reserved.

Sec. 37-22. Protection of water supply and sewer systems.

The Director and the Planning and Development Director may establish additional policies and rules necessary to protect the City public water and sewer systems.

Sec. 37-23. Water Services Department—Right of entry for inspection; credentials.

A. The Department will at all reasonable times have access to a customer's premises for inspection, maintenance and operation of meters, service connections, and other components of the City public water system and to ensure the protection of the City public water supply. On presentation of the Department representative's credentials, the owner or occupant of any premises for which the City supplies water must provide access to the premises to allow for inspection, maintenance and operation.

B. If an authorized Department representative has presented credentials and is refused access to any premises or is hindered or prevented from accessing the premises, the Director may terminate water service to the property after providing 24 hours' written notice to the owner or occupant of the property.

C. No unauthorized person may possess or present credentials or otherwise impersonate a Department representative.

Sec. 37-24. Duty of other City departments to aid Water Services Department.

All City departments will assist the Department in the enforcement of this Chapter and will report all observed or suspected violations to the Director.

Sec. 37-25. Reserved.

Sec. 37-26. Permit required for customer to supply water to others.

No owner or lessee of property to which the City supplies water may furnish water to any other person or property without written authority from the Director. Any authority granted by the Director may include conditions

as the Director determines necessary and may be terminated by the Director at any time.

Sec. 37-27. Waste of water; failure of customer to make repairs to pipes, valves and fixtures.

A. Each customer served by City water is responsible for all leaks, or damages due to leaks, downstream of the customer's point of service delivery. Each customer is responsible for full payment of charges to the City for any water lost due to leaks and other causes downstream of the customer's point of service delivery.

B. Each customer must maintain water pipes, faucets, valves, sprinklers, plumbing fixtures or any other water appliances in good repair to prevent waste of water. If a customer fails to maintain water facilities in good repair, the Director may terminate water service to the customer's property in an emergency or after providing 10 days' written notice to the service address to be terminated. The Director may restore water service when the condition forming the basis for the termination has been remedied to the satisfaction of the Director. The customer must pay all fees and charges relating to the termination and restoration of water service before water service is restored.

C. Unless authorized in writing by the Director, no person may construct or maintain any channel, ditch, flume, or conduit to run water, or otherwise cause water to flow or discharge, from any premises, residence or place of business on any street, gutter, way, sidewalk, alley or public place.

Sec. 37-28. Reserved.

Sec. 37-29. Application outside City; exception.

This Chapter and all policies, procedures, and rules established under this Chapter related to the terms and conditions for providing water service apply to all areas of the City's water service area, including those areas outside the City limits.

Article II. Main Extensions And Construction

Sec. 37-30. Main extensions – Connections with distribution system.

A. Any person or developer wanting to connect water main extensions to the existing City public water distribution system must submit construction plans and specifications to the Director, pay established fees and charges, and receive permits approved by the Director before any construction of the water main extension commences.

B. The Department will not perform field engineering or prepare detailed plans and specifications for water main extensions and associated appurtenances for any owner or developer. The owner or developer is responsible for all costs for hiring a civil engineer registered in Arizona to perform all work. The owner or developer must pay all costs to design, permit, and construct the water main extension, including any costs of acquiring rights-of-way and easements, preparation of as-built plans, and the Department's inspection of construction.

C. Any water main extension must be sized for adequate service during peak demands and fire flows, as determined by the Director. The Director will determine the necessary layout of public water mains.

D. Each service connection must have a flow rate of at least three gallons per minute, with a minimum residual pressure of 40 pounds per square inch at the meter.

E. If public booster pumps or pressure reducing valves are necessary to maintain appropriate water pressures in mains because the development to be served with the main extension is near the hydraulic gradient of the distribution system of the City service area, the developer must construct at the developer's expense the necessary facilities and must meet City design standards.

F. All water main extensions, service connections, public booster pumps, pressure reducing valve, and all other water distribution facilities constructed by developers pursuant to this article upstream of points of service delivery become and remain the property of the City on acceptance of the facilities by the City. The City assumes ownership, maintenance and operation of the facilities on acceptance.

G. If the finished floor elevation of a structure that receives water service is above the designed pressure zone's top elevation boundary, the developer must construct a private booster-pump station and associated storage facilities to provide adequate pressure for the required flows to the

property. If the finished floor elevation is below the designed pressure zone's low elevation boundary and the static pressure at the meter exceeds 80 pounds per square inch, the developer must install a pressure reducing valve to decrease pressure adequately for the required flows. Any stations, facilities or valves must be located downstream of the point of service delivery and remain privately owned, operated, and maintained at the property owner's sole cost and expense.

Sec. 37-31—37-32. Reserved.

Sec. 37-33. Extensions in subdivisions, single lot, and subplot developments and all other developments.

A. Except for a single residence on a single lot, in all developments where the City is to provide water service, the owner or developer must plan, construct, and furnish to the City all water mains, service connections, valves, fittings and appurtenances within the boundary of the development, as well as the streets bounding the entire development, pursuant to all of the following:

1. All plans must be approved by the Director.
2. The developer must pay all fees specified by the City Code.
3. The developer must plan, construct and furnish to the City all off-site water mains necessary to complete a looped connection to existing City mains as determined by the Director. All water lines must be constructed to conform with the City's water distribution master grid system and must be constructed as a general area improvement regardless of whether the water lines will directly serve the property being developed.
4. Except as provided in paragraph 5 of this subsection, minimum water main size is 12-inch mains on section line streets or grid arterials, eight-inch mains on mid-section line streets or mid-grid feeders, and six-inch mains on all other streets, unless peak demands and fire flow require a larger main, as determined by the Director.
5. For developments in the downtown core area, the minimum water main size is 12-inch mains unless an existing eight-inch main meets the needs of the development, including fire flow requirements, as determined by the Director. For the purposes of this section, "downtown core area" has the meaning prescribed in the City design standards.

6. For all developments, the developer must install fire hydrants, valves, pipes, and fittings required for the hydrant installation pursuant to the City design standards.

B. Existing lines larger than 12 inches in diameter are part of the transmission system and are not part of the water distribution master grid system. The Director will require the developer to construct distribution mains of the required size in parallel to such existing transmission system mains. If existing distribution system mains within a development, or the streets bounding a development, do not meet the size specifications of this Chapter, or are inadequate for the demands, including fire flows, of the development, as determined by the Director, the Director will require the developer to replace or parallel existing mains with mains of the required size.

C. If no water main exists along the frontage of a single, existing, residential lot zoned for single-family use (R1-6 through Re-43), and the developer of the single lot requests City water service, the developer must construct and extend the existing main to the point of the requested service connection plus an additional 10 feet. If the Director determines that a repayment agreement is practicable, and the applicant agrees to enter into a repayment agreement, the developer will construct the new water main beyond the connection point and across the entire lot frontage.

D. The developer must guarantee all water mains, service connections, valves, fittings and appurtenances installed by the developer against all defects for a period of two years after acceptance of the facilities by the Department.

E. Only authorized Department representatives may install, remove or reinstall water meters. If a developer removes, changes, or relocates water meters, the developer must pay the City for the cost of restoring meters to the authorized and designated locations.

Sec. 37-34. Construction water through metered service connections; rates.

The Director will accept applications from a developer for the installation of a meter to measure water for construction purposes if a service connection has been installed by the developer and accepted by the City. The Department will prepare a separate billing for each metered service connection used to supply water for construction, and the Department will assess the following charges:

1. *Inside the City.*

a. For each metered service connection used to supply water for construction inside the City, the developer must pay, in advance, an estimated water use charge for six months of water for construction. The Department will apply the water rates for inside-the-City water service prescribed in section 37-63 to the estimated quantity of use for the six-month period. If construction continues longer than 120 days, the developer must pay, in advance, an additional monthly minimum water use charge, based on estimated water use, for each month construction continues.

b. The developer must pay the estimated six-month water use charge before the Department will set a meter. The developer must pay the City for all water recorded by all meters from the date the meter is set until a new account is established for the property served by the meter pursuant to this Chapter.

c. When a new account is established for the property served by a meter, the Department will take a final meter reading and will bill the developer for any water use in excess of the estimated payments. The developer must pay the amount due within 60 days. In no event is any portion of the estimated water use charge refundable.

2. *Outside the City.* For each metered service connection used to supply water for construction outside the City, the provisions of paragraph 1 of this section apply, except that the Department will apply the water rates for outside-the-City water service prescribed in section 37-64 to the water estimates and use.

Sec. 37-35. Water repayment program for Class 1 and Class 2 off-site infrastructure needed for development.

A. The repayment program is a program that allows for the orderly and efficient extension of the City public water 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 water main that is extended 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 water main 12 inches or greater in diameter, a booster station, a pressure reducing station, or a combination of such water mains and stations, that meets all of the following conditions:

- a. The project is constructed by one or more developers and provides a benefit to a defined area.
- b. One or more additional developers will likely directly or indirectly connect to the project.
- c. 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 benefitted 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 water facilities before construction begins. The construction must meet Department specifications, requirements, and approval and will be subject to inspection by the Department during construction.

D. The cost of distribution mains within the boundary of a development is not eligible for repayment and will not be included in a repayment agreement.

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. 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 on the engineering costs for determination of total construction cost before execution of the repayment agreement, except that the engineering costs may not be more than 20 per cent of the construction low bid. Eligible project costs do not include costs associated with temporary facilities, permit fees, taxes or attorney fees. The Department may allow additional direct construction costs to be included in the total project cost, except that the additional direct costs may not in the aggregate be more than 10 per cent of the lowest construction bid submitted. Interest is not eligible for recovery under the repayment program.

F. To qualify for a repayment agreement, the developer must submit a minimum of three written sealed bids for the project construction to the Department before 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 be more than 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, except that unforeseen costs may not in the aggregate be more than 10 per cent of the low bid.

G. On 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.

H. 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 conditions, the repayment agreement will include all of the following:

1. For Class 1 projects, a just, equitable and reasonable charge to be paid by persons along the frontage of the Class 1 project making a connection to the Class 1 project. The connection charge will be determined on a cost-per-frontage-foot basis utilizing the Class 1 project's construction cost. Project costs associated with that portion of the developer's frontage requirements specified by Section 37-33 will not be included in the total construction cost used to calculate the repayment fee and are solely the responsibility of the developer.

2. For Class 2 projects, a just, equitable and reasonable charge to be paid by persons within the benefiting area making a connection to the Class 2 project. The connection charge will be determined by dividing the Class 2 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.

3. Repayment agreement charges will not affect the right of the City to assess any building permit, connection fee (water tap), water service or other charges, fees and taxes against the owners of property located along the frontage of the Class 1 project or within the maximum service area of the Class 2 project.

4. 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 repaid, whichever occurs first.

5. 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 repaid, whichever occurs first.

6. In order for the Department to recover costs associated with the administration of a repayment agreement, the Department will charge a fee. For Class 1 projects, the charge will be \$500.00. For Class 2 projects, the charge will be \$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 three per cent of the monies collected under a repayment agreement.

7. Any person connecting directly to a Class 1 project or within the benefiting area connecting to a 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 three per cent administration fee referenced in paragraph 6 of this subsection.

8. If a project is located in an area in which water 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 repaid for project costs for which impact fee credits were issued.

9. 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.

Sec. 37-36—37-38. Reserved.

Article III. Service Connections

Sec. 37-39. Connection to water mains required.

A. To protect and support public health and welfare, where property abuts a street in which a water main is laid, the property must be connected with the City public water system. These service connections must extend at right angles from the main to the curblines and must be installed pursuant to City design standards.

B. The number, location, manner of construction and size of all service connections is subject to the approval of the Director.

Sec. 37-40. Buildings to have separate service connections; exceptions.

Each building supplied with City water must have its own separate service connection with the City mains, except two or more buildings located on the same lot under single ownership, or a property that is known as a court, apartment house, trailer court or other similar developments covering more than one lot, on written permission of the Director, may be supplied through a single metered connection with the City main. On change from single ownership, the new owner must immediately make a new and separate connection for the building or premises having the indirect connection.

Sec. 37-41. Unauthorized connection with water mains.

No person may make any connection with the City public water system without authority from the City. A violation of this section is a class 1 misdemeanor.

Sec. 37-42. Application for service generally; information required.

A. Each person applying for a service connection from the Department must present a valid permit issued by the Planning and Development Department.

B. The application must include all of the following:

1. The applicant's name.
2. A description of the lot, block and addition to be served.
3. The desired location where the City main is to be tapped.
4. The desired size of the tap to be made.

5. The house number and street name assigned to the premises as shown by the Department's records.

6. The purpose for which the property will be used.

C. The applicant must pay all applicable costs and fees to the Department before the installation of the service connection and meter.

Sec. 37-43. Services and materials to be property of Water Services Department; customer to pay for damages.

All meters and all materials the Department supplies in the installation, repair, maintenance and replacement of any meter, pipe or service connection remains the property of the City and will be maintained, repaired and replaced by the Department. The customer is responsible for any intentional or negligent damage to City meters, pipes, service connections or appurtenances and must reimburse the Department for any expense incurred in repair or replacement of the meter or materials. The Director may terminate water service to the pertinent property if reimbursement to the Department is not paid in full within 60 days of the Department billing the customer.

Sec. 37-44. Service connections on existing mains.

If all or part of a new subdivision is served by existing City water mains, only authorized Department representatives will make taps for service connections.

Sec. 37-45. Developer to install service connections on new mains in new subdivisions.

In all new developments where there are no existing City water mains, developers must install all the service connections simultaneously with the installation of the development's water mains pursuant to City design standards. In all new developments where the developer installs the service connections, the developer must apply to the Department for installation of water meters pursuant to this Chapter.

Sec. 37-46. Reserved.

Sec. 37-47. Changes to existing service connection.

If an existing service connection is abandoned or no longer used, or if a change in location or size of the existing connection is requested, the Department may immediately reclaim and disconnect the existing connection at the main. If a new, restored, relocated, or resized service

connection is requested for the premises, the owner must apply and pay applicable fees for a new service and connection pursuant to this Chapter.

Sec. 37-48. Service pipes—Location.

A. The Department will not permit a service connection if the service pipe will pass over or through premises that are, or may become, the property of persons other than the owner of the premises to be supplied from the connections.

B. A water service pipe may not be laid in a sewer trench or within six feet of a sewer trench.

Sec. 37-49. Service pipes—Excavations under sidewalk; installation.

A. Where basement areas have been excavated beneath sidewalks, the City will lay water service pipes only to the inside of the area wall, and the owner must construct, from plans approved by the Director, a suitable meter pit and covered sidewalk opening that allows the meter to be located abutting the sidewalk side of the curblin in regular position.

B. The Department will install water service pipes extending from the main to the meter abutting the sidewalk side of the curblin.

Sec. 37-50. Special connections for fire prevention service; installation and fees; use.

A. Any person desiring to install a separate fire prevention service line, building standpipe and hose or sprinkler system, where the service line or systems will not be connected to or supplied water through the premise's water service meter, must file an application with the Planning and Development Department for a fire line tap and standby fire prevention service. The applicant must install special fire prevention systems pursuant to Planning and Development Department requirements and pay review fees as prescribed in the City Code.

B. The applicant must install a double check valve backflow prevention assembly or reduced pressure principle backflow prevention assembly on the fire prevention service line upstream of the first point of water use.

C. If a detector check assembly and bypass meter is required for the fire prevention service line, the applicant must furnish and install all materials and equipment. The bypass meter must be acceptable to the Department and must be tested and sealed by the Department before its installation. If a detector meter on a fire prevention service line records

water delivery without a fire having occurred and without prior notice to the Director, the Department will bill and collect the charge prescribed in section 37-74.

D. Every outlet valve on a non-metered sprinkler system must be sealed. Seals may be removed for authorized purposes only, such as testing of the system. The owner or tenant may test the fire prevention apparatus at any time by notifying the Department. A mutually agreeable time will be set for the test. All outlet valves must be sealed immediately after completion of any test on a non-metered system. If a sealed valve is opened without prior notification of the Department, the Department will bill and collect the charge prescribed in section 37-74. In addition, the Department may install a detector check assembly and bypass meter and will bill all associated costs to the owner.

E. No person may tap any component of a standby fire prevention service, and no person may use water from a standby fire prevention service, for any purposes other than testing the system pursuant to this section or extinguishing fire on the premises.

F. The Department may inspect the premises on which a standby fire prevention service is installed at any time. The occupant of the premises must cooperate with the inspection, provide reasonable access, and provide all reasonably requested information to the inspector.

G. The Department will bill and collect the standby fire prevention service charge prescribed in section 37-75.

Sec. 37-51. Service connection fees.

The Department will bill and collect, in advance of installation, the fees for laying and constructing service connections established by this Chapter.

Sec. 37-52. Installation of special services.

If an installation, special service, or work is required for any purpose not covered by other provisions of this Chapter, the Department, on approval of the Director, will perform the necessary special service, installation, or work. The Department will bill, and the applicant must pay, the cost of the Department staff time, material, excavation, repairs, and applicable overhead.

Article IV. Meters

Sec. 37-53. Services to be metered.

A. All water service provided by the City public water system must be metered, except as otherwise provided by this Chapter.

B. A separate water meter is required for the following new services established after January 1, 1990:

1. Landscape watering of all landscaped areas greater than 10,000 square feet.
2. All water features having a daily consumptive use of 1000 gallons per day or greater.

Sec. 37-54. Location of meters.

All meters must be located on the sidewalk side of the curbline pursuant to City design standards.

Sec. 37-55. Relocating meters inside buildings.

Where meters have been set inside of buildings, the Department will relocate meters abutting the sidewalk side of the curbline. The Department will bill the customer for all work and expense of resetting the meter. The customer must relay the service pipes to conform to the new meter location at the customer's expense.

Sec. 37-56. Cost of changing size of meter or service.

If a person applies for a resized meter or service, the applicant must pay the charges for the installation of a new meter or service prescribed in this Chapter. The Department will remove the original tap.

Sec. 37-57. Removal of meters.

Only authorized Department representatives may move or remove meters. If a meter is moved or removed in violation of this section, the Department will terminate water service to the pertinent premises and will not restore service until the customer for the premises reimburses the Department for all costs incurred in restoring the meter to the authorized location.

Sec. 37-58. Replacement of meters.

The Department may replace any meter as needed and will determine the size and type of any water meter installed. If the meter registers a rate of flow excessive for a structure or facilities of a similar size and use for at least three consecutive months, the Department may install a meter of adequate size and will bill the customer for all costs incurred to replace the meter.

Sec. 37-59. Reserved.

Sec. 37-60. Testing meter accuracy.

A. If a customer asserts that a bill for any of the preceding three billing periods has been excessive, the Department will, on written request, re-read the meter and inspect the point of connection for leaks. The Department will charge the fee prescribed in section 37-85.

B. A customer may have the accuracy of a meter examined and tested by the Department by making a request in writing or by email. On receipt of the request, the Department will examine and test the meter. If the meter registers more than two per cent in excess of the actual quantity of water passing through it, the Department will replace the meter. The Department will also adjust the customer's current bill by the estimated overcharge, as determined by the Director, and will not charge a fee. If the meter registers two per cent or less in excess of the actual quantity of water passing through it, the Department will charge the customer the fee prescribed in section 37-85. On request, the customer may be present during the test to verify the accuracy of the test.

Article V. Deposits, Rates, Billing Procedures and Miscellaneous Charges

Sec. 37-61. Financial responsibility deposits.

A. To establish water service, all customers must post a security deposit with the Department unless the customer has a good payment record. "Good payment record" is defined in the Deposit Policy, a copy of which is on file with the Department. The deposit will be an amount equal to the average one-month City services bill for similar types of premises for the previous 12 months. All deposits are non-interest bearing. If a customer fails to post the required deposit, the Department will not initiate or will terminate water service.

B. If a customer's water service is suspended for non-payment, the customer must post a security deposit.

C. If the customer fails to make timely payment of the City services bill, the Department will apply the customer's deposit to the unpaid balance. 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, the Department will refund the deposit to the customer within 60 days, minus any amounts owed to the City.

Sec. 37-62. Independent water rate review.

The City Manager will retain an independent consultant with expertise in water rate analysis to review a proposed increase to the water rates prescribed in section 37-63. The consultant will present the consultant's findings and review to the public, the City Manager and the Council before proposed water rate increases are submitted to the Council for action.

Sec. 37-62.1. Method of developing a water quantity charge.

A. The water quantity charge will be developed by the following methodology. The water quantity charge per 100 cubic feet, which is added to the monthly service charge, will be calculated in two separate rates which will be added together for a combined rate. The separate rates will be for non-environmental raw water expenses and for other non-environmental expenses.

1. The raw water charge will include costs for acquiring water from wholesale suppliers or any other sources and transporting that water to points of delivery at water treatment plants, into the water

distribution system or into a storage facility, as that term is defined by section 45-802.01, Arizona Revised Statutes. Raw water costs may be reduced by a budgeted transfer from the water resources acquisition fee fund. The raw water costs to be included in the raw water charge are limited to the following:

- a. Direct payment of charges to the Central Arizona Water Conservation District, the Salt River Project or other supplier for the purchase, lease, transport, recovery, and delivery of untreated water for use or storage by the City. Charges will include fixed and variable operations and maintenance charges, capital charges, and administrative costs.
- b. Direct payment of charges to the Roosevelt Irrigation District or Salt River Project for pumping and canal maintenance charges related to the Roosevelt Irrigation District exchange water.
- c. Direct payment of groundwater withdrawal fees and long-term storage credit recovery fees to DWR.
- d.. Direct payment of charges and fees for water storage, as that term is defined by section 45-802.01, Arizona Revised Statutes, and for water exchanges, as that term is defined by section 45-1001, Arizona Revised Statutes.
- e. Costs to treat wastewater to potable drinking standards.

2. The other non-environmental charge will include operations, maintenance, and replacement costs for water operations, direct capital costs, repayment agreements, contingency reserves and operating cash reserves, in lieu of property tax payments on water facilities, and administrative allocation of functions that support direct water operations. Other non-environmental charge expenditures can be offset by revenues from sources such as water connection fees, intergovernmental charges and miscellaneous revenues as well as water resource acquisition fees for appropriate water conservation operations or direct capital expenditures. Budgeted transfers between this fund and other funds such as the raw water fund may occur.

B. For metered service located outside the City and outside the Town of Paradise Valley, the water quantity charge per 100 cubic feet which is added to the monthly service charge will be calculated using the

methodology prescribed in subsection A of this section and adding to such calculation other rate considerations, including a return on investment.

Sec. 37-63. Water rates within the City and within the Town of Paradise Valley.

A. *Monthly service charges within the City and within the Town of Paradise Valley—Generally.*

1. The Department will charge the following monthly service charge for each metered service connection within the City and within the Town of Paradise Valley (plus applicable taxes):

Size of Meter	Service Charge
5/8" x 3/4"	\$4.64
3/4"	\$6.03
1"	\$8.81
1 1/2"	\$15.77
2"	\$24.13
3"	\$43.62
4"	\$71.46
6" and larger	\$141.06

2. Monthly service charges include the following amounts of water:

Month	Cubic Feet
October through May	600
June through September	1,000

B. *Rates within the City and within the Town of Paradise Valley.* The Department will charge customers within the City and within the Town of Paradise Valley each month according to the following rate schedule (plus applicable taxes):

	Quantity Charge to Be Added to Service Charge Per 100 Cubic Feet			
	<i>0—600 Cubic Feet</i>	<i>Over 600 Cubic Feet</i>		
<i>Seasons</i>		<i>Raw Water</i>	<i>Other</i>	<i>Total</i>
Winter Months (December, January, February, March)	\$0.00	\$0.42	\$2.78	\$3.20
Spring & Fall Months (April, May, October, November)	\$0.00	\$0.42	\$3.31	\$3.73
	<i>0—1,000 Cubic Feet</i>	<i>Over 1,000 Cubic Feet</i>		
Summer Months (June, July, August, September)	\$0.00	\$0.42	\$3.67	\$4.09

Sec. 37-63.1. Non-potable and untreated water rates within the City and within the Town of Paradise Valley.

A. For each metered service connection within the City and within the Town of Paradise Valley, the City will charge users of non-potable water or untreated water supplied through City facilities for landscape irrigation or for filling or refilling a body of water, as follows:

1. The monthly service charge for each metered service connection will be 100 per cent of the monthly service charge for the meter size prescribed in subsection A of section 37-63.
2. For users of non-potable water, the monthly consumption rate will be 80 per cent of the rates prescribed in subsection B of section 37-63.
3. For users of untreated water, the monthly consumption rate will be 40 per cent of the rates prescribed in subsection B of section 37-63.
4. For users of mixed non-potable water and untreated water, the monthly consumption rate will be prorated based on the relative per cent of non-potable water and untreated water using the rates prescribed in paragraphs 2 and 3 of this subsection.

B. All rates and charges within the City will be in addition to the excise tax charges prescribed in section 37-65.

Sec. 37-64. Water rates—Outside the City and outside the Town of Paradise Valley.

A. The City will charge an amount equal to one and one-half times the monthly service charge for the same size of meter prescribed in subsection A of section 37-63 for each metered service connection outside the City, except for metered service connections located within the Town of Paradise Valley which will be charged the charges and rates prescribed in Section 37-63.

B. The City will charge an amount equal to one and one-half times the total quantity charge per 100 cubic feet prescribed in subsection B of section 37-63 for each metered service connection outside the City, except for metered service connections located within the Town of Paradise Valley which will be charged the charges and rates prescribed in section 37-63.

Sec. 37-64.1. Non-potable and untreated water rates outside the City and outside the Town of Paradise Valley.

For each metered service connection outside the City, except for metered service connections located within the Town of Paradise Valley which will be charged the charges and rates prescribed in section 37-63.1, the City will charge users of non-potable water or untreated water supplied through City facilities for landscape irrigation uses or for filling or refilling a body of water, as follows:

1. The monthly service charge for each metered service connection will be 100 per cent of the monthly service charge for the meter size prescribed in subsection A of section 37-64.
2. For users of non-potable water, the monthly consumption rate will be 80 per cent of the rates prescribed in subsection B of section 37-64.
3. For users of untreated water, the monthly consumption rate will be 40 per cent of the rates prescribed in subsection B of section 37-64.
4. For users of mixed non-potable water and untreated water, the monthly consumption rate will be prorated based on the relative per cent of non-potable water and untreated water using the rates prescribed in paragraphs 2 and 3 of this section.

Sec. 37-65. Excise tax.

A. The City hereby adds an excise tax to City water service accounts within the City to raise general revenues to defray City costs and expenses, including costs of jail housing of City prisoners. The excise tax will be computed and levied as follows:

1. *All single-family residential accounts: \$1.00 per month.*
2. *All other water accounts based on water meter size as follows:*

Meter Size	Monthly Charge
5/8" or 3/4"	\$1.00
1"	2.50
1.5"	5.00
2"	8.00
3"	15.00
4"	25.00

6" and larger	50.00
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B. In addition to the excise tax imposed in subsection A of this section, the City hereby imposes an excise tax on the delivery of water services to City water service accounts within the City to raise general revenues to defray City costs and expenses, including costs of the City's storm water management program. The excise tax will be computed and levied as follows:

1. All single-family residential accounts—\$0.70 per month.
2. All other water accounts based on water meter size as follows:

<i>Meter Size</i>	<i>Monthly Charge</i>
5/8" or 3/4"	\$0.70
1"	1.46
1.5"	3.50
2"	4.85
3"	12.80
4"	19.75
6" and larger	30.00

C. In addition to the excise taxes imposed in subsections A and B of this section, the City hereby adds an excise tax to City water service accounts within the City to raise general revenues to balance the general fund budget. The excise tax will be computed and levied as follows:

1. All single-family residential accounts: \$1.50 per month.
2. All other water accounts based on water meter size as follows:

<i>Meter Size</i>	<i>Added Charge (Except for Single-Family)</i>
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	<i>Residential Accounts)</i>
5/8" or 3/4"	\$1.50
1"	\$3.75
1.5"	\$7.50
2"	\$12.00
3"	\$22.50
4"	\$37.50
6" and larger	\$75.00

3. This excise tax does not apply to fire prevention service lines.

Sec. 37-66—37-67. Reserved.

Sec. 37-68. City government; fire hydrant charge.

A. All City departments will pay the Department for water service used for City purposes from funds budgeted for that purpose, at the rate prescribed in section 37-63. All City services will be metered. The Department will maintain all meters and services as provided in this Chapter. The City department receiving service will maintain all plumbing facilities downstream of the point of service delivery.

B. The Fire Department will pay the Department one dollar per year per fire hydrant installed on the City public water system for the number of fire hydrants in service on June 30 of each year.

Sec. 37-69. Charges to the customer.

The Department will bill a customer for all rates, rate components, charges, fees and penalties for water supplied to the customer from the City public water system, including charges for meters supplied, installed or repaired, charges for labor or materials furnished for installing any service connection or for tapping City mains, charges for turning water on or off, and all fines and penalties assessed or imposed by this Chapter or the rules of the Department. The customer must pay all validly billed rates, rate components, charges, fees and penalties.

Sec. 37-70. Drinking fountains, toilets and other fixtures.

Water supplied to watering troughs, drinking fountains, toilets, urinals or other fixtures placed for the benefit of the public by private parties must be metered. Water charges for water service to these facilities are as prescribed by the rates, fees, and charges stated in this Chapter.

Sec. 37-71. Charges if meter fails to register correctly or unable to be read.

A. The Department will estimate a charge to the customer if the meter fails to register correctly. The Director may develop a process to estimate water consumption using the best available historical consumption data. The Department will maintain a written description of the procedure on file in the Director's office.

B. The Department may estimate a customer's water use for billing purposes whenever construction conditions, obstructions, inclement weather or emergencies prevent reading the meter.

Sec. 37-71.1. Errors in water service charges.

A. If an error occurs and an account holder has received water service but was not charged for that service, the Director may charge the account holder an amount not more than the cost of 36 months of service before the date the Department becomes aware of the error.

B. If an error occurs and an account holder was charged for water service that was not received, the Director may approve a payment or credit to the account holder in an amount not more than the cost of 36 months of service before the date the Department becomes aware of the error.

Sec. 37-72. Charges for use of more than one meter.

Where premises have more than one meter, the Department will calculate the minimum charge, and charge for water used, separately for each individual meter.

Sec. 37-73. Fire hydrant meter—Deposit, charges, monthly service charge and water rates; fire flow tests.

A. When a person applies for a fire hydrant meter, the applicant must post a deposit of \$500.00. The Department will assess the following charges and deduct them from the deposit if they are incurred:

1. Meter installation: \$132.00
2. Meter removal: \$132.00
3. Meter relocation: \$132.00

B. The customer must post an additional deposit of \$500 when the charges exceed the amount of the deposit.

C. The Department will assess additional charges as follows:

1. Failure to return fire hydrant key: \$100.00.
2. Damage to hydrant or connection: Cost to the Department to repair or replace.
3. Failure to return meter: \$500.00.
4. Fire flow test: \$360.00

D The Department will charge the following monthly service charge and water consumption rates:

1. Monthly service charge: \$50.00.
2. Quantity charge per 100 cu. ft.: Quantity charge equal to the quantity charge prescribed in subsection B of section 37-63 for the Spring and Fall months (April, May, October, November).

E. The Department will add all applicable taxes to all fees and charges.

Sec. 37-74. Unapproved water use and/or removal of seals from fire prevention system.

A. If a flow detector meter on a fire prevention service line records water delivery without a fire having occurred and without prior notice to the Director, the Department will assess a charge of \$100.00 per occurrence.

B. If a sealed valve on a non-metered sprinkler fire prevention system is opened without prior notification of the Department, the Department will assess a charge of \$100.00 per occurrence.

Sec. 37-75. Standby fire prevention service.

For standby fire prevention service, the Department will assess a monthly charge for unmetered connections as follows:

1. Inside City: \$.75 per inch diameter of service pipe.
2. Outside City: \$1.50 per inch diameter of service pipe.

Sec. 37-76. Water service connection charges.

A. The Department will assess water service connection charges as follows:

Tap and Meter With Trench Paving Repairs Fee	
Meter Sizes	Cost per Meter
5/8"	\$3,041.00
3/4"	3,066.00
"	3,550.00
1 1/2"	4,005.00
2"	4,152.00
3"*	8,555.00
4"*	9,551.00
6"*	12,269.00
6" fire rated*	12,643.00
8" fire rated*	13,138.00

Tap and Meter Without Trench Paving Repairs Fee	
Meter Sizes	Cost per Meter
5/8"	\$1,753.00
3/4"	1,779.00
1"	2,263.00
1 1/2"	2,806.00

Tap and Meter With Trench Paving Repairs Fee	
Meter Sizes	Cost per Meter
2"	2,953.00
3"*	7,526.00
4"*	8,522.00
6"*	11,240.00
6" fire rated*	11,614.00
8" fire rated*	12,720.00

* 3", 4", 6" and 8" sizes must be constructed at cost with trust deposit in the amount shown. The concrete vault required for 3", 4", 6" and 8" sizes is the responsibility of the developer.

B. *Special provisions.* The Department will charge the "Tap and Meter with Trench Paving Repairs" fee if the tap and meter are located within a paved street as designated by the City's street classification map. The developer must also comply with all requirements and pay all fees and costs prescribed in section 31-49.1. In areas outside of the City, the Department will charge the appropriate fee, and the developer must coordinate the work and any additional fees with the governing jurisdiction.

Sec. 37-77. Separate tap and meter installations.

A. *Tap only. (Includes Corp Stop, Service Lines, Curb Stop, Meter Box and Lid).* The Department will assess tap installation charges as follows:

With Trench Paving Repairs	
Meter Sizes	Cost per Meter
5/8"	\$2,734.00
3/4"	2,734.00
1"	3,180.00
1 1/2"	3,527.00
2"	3,653.00

With Trench Paving Repairs	
Meter Sizes	Cost per Meter
3"*	5,485.00
4"*	6,003.00
6"*	7,213.00

* 3", 4" and 6" sizes to be constructed at cost with trust deposit in the amount shown. The concrete vault required for 3", 4" and 6" sizes is the responsibility of the developer.

Without Trench Paving Repairs	
Meter Sizes	Cost per Meter
5/8"	\$1,442.00
3/4"	1,442.00
1"	1,893.00
1 1/2"	2,322.00
2"	2,454.00
3"*	4,457.00
4"*	4,974.00
6"*	6,184.00

* 3", 4" and 6" sizes to be constructed at cost with trust deposit in the amount shown. The concrete vault required for 3", 4" and 6" sizes is the responsibility of the developer.

B. *Meter only*: The Department will assess meter installation charges as follows:

Meter Sizes	Cost per Meter
5/8"	\$680.00
3/4"	700.00
1"	794.00
1 1/2"	1,051.00
2"	1,203.00
3"*	3,625.00
4"*	4,527.00
6"*	5,331.00

* 3", 4" and 6" sizes to be constructed at cost, with trust deposit in the amount shown.

C. *Special provisions.* The Department will charge the "Tap and Meter with Trench Paving Repairs" fee if the tap and meter are located within a paved street as designated by the City's street classification map. The developer must also comply with all requirements and pay all fees and costs prescribed in section 31-49.1. In areas outside of the City, the Department will charge the appropriate fee, and the developer must coordinate the work and any additional fees with the governing jurisdiction.

Sec. 37-78—37-79. Reserved.

Sec. 37-80. Meter relocation on existing service line for convenience of customer.

The Department will assess charges for a meter relocation requested by a customer as follows:

Fee	
Service and Meter Size	Cost per Meter
5/8"*	\$1,271.00
3/4"*	1,271.00
1"*	1,717.00
1 1/2"*	1,799.00
2"*	1,931.00

* To be constructed at cost with trust deposit in the amount shown.

Sec. 37-81. Taps for water main extensions.

A. The following charge is for the actual tapping operation only and does not include materials. The contractor must furnish and install the saddle or tapping sleeve and valve and make the excavation of sufficient size to allow Department representatives adequate room to safely perform the necessary work.

B. The Department will assess a charge for tapping water main extensions as follows:

Cast Iron/Cement/Asbestos/Pipe: \$622.00

Sec. 37-82. Test taps.

A. The Department will charge a fee for test taps two-inch or less in size installed in cast iron or asbestos cement pipe. The fee includes labor and materials for installing the test tap but does not include excavation. The contractor must make the excavation of sufficient size to allow

Department representatives adequate room to safely perform the necessary work. The location and manner of location for test taps are subject to the approval of the Director.

- B. The Department will charge the test tap fees as follows:
 - 1. Test taps installed during regular working hours: \$380.00
 - 2. Test taps installed after regular working hours or on weekends or holidays: \$759.00.

Sec. 37-83. Water main shutdown; charges.

A. The Director’s approval is required before the shutdown of a City water main. Any contractor desiring the shutdown of a City water main must apply to the Department and pay the established charges. The contractor must notify the public in advance if a shutdown will cause any City water customer to be without water.

B. The Department will charge water main shutdown fees as follows:

Fee		
Size Main	Cost per Shutdown during Regular Working Hours	Cost per Shutdown after Regular Working Hours or on Weekends or Holidays
12" and smaller	\$292.00	\$584.00
Larger than 12"	468.00	936.00

Sec. 37-84. Activation or reactivation of water service.

A. All persons requesting activation, reactivation or transfer of water service must submit a service application to the Department. An application must be submitted for each service address. Service applications must include all of the following information:

- 1. *Residential.*
 - a. Name of responsible party (must be an individual).
 - b. Mailing address.

- c. Service address.
- d. Email address and telephone number, if available.
- e. If property owner, proof of ownership.
- f. If tenant, landlord's name and address and a copy of the lease agreement.
- g. If agent, proof of agency.
- h. Requested turn-on date.

2. *Commercial.*

- a. Legal name of entity.
- b. Service address.
- c. Contact person.
- d. Nature of business.
- e. Whether there will be dining on the premises.
- f. Federal employer identification number.
- g. Mailing address.
- h. Name and address of owner.
- i. If property owner, proof of ownership.
- j. If tenant, landlord's name and address and a copy of the lease agreement.
- k. If agent, proof of agency.
- l. Requested turn-on date.

B. The Department will charge a service fee of \$33.00 for activation, reactivation or transfer of service.

Sec. 37-85. Delinquent account fees and miscellaneous charges.

A. The Department will charge the following fees as applicable:

- | | | |
|-----|--|------------------|
| 1. | <i>Delinquent turn-off fee</i> (charged if water service has been suspended for non-payment of bill) | \$55.00 |
| 2. | <i>Broken meter lock</i> (if meter lock is tampered with, broken, or removed) | \$61.00 |
| 3. | <i>Removing meter</i> (if necessary to prevent unauthorized use of water) | \$110.00 |
| 4. | <i>Turning off water service at main</i> (if necessary to prevent unauthorized use of water) | \$2492.00 |
| 5. | <i>Plugging service</i> (to prevent unauthorized use of water) | \$72.00 |
| 6. | <i>Returned check</i> | \$18.00 |
| 7. | <i>Testing customer's water meter at City facility</i> (1-inch meter or smaller) | \$253.00 |
| 8. | <i>Testing customer's water meter at City facility</i> (larger than 1-inch meter) | Cost to the City |
| 9. | <i>Water use without applying for water service</i> | \$28.00 |
| 10. | <i>Emergency turn-off at customer request</i> | \$66.00 |
| 11. | <i>Meter re-read at customer request</i> (waived if initial reading was inaccurate) | \$22.00 |
| 12. | <i>Post notice</i> (for posting at the property for non-payment of bill) | \$50.00 |
| 13. | <i>Installation of anti-theft device</i> (if necessary to prevent unauthorized water use) | \$77.00 |

B. All fees are subject to applicable taxes.

Sec. 37-86. Billing procedure.

A. The Department will issue City services bills monthly. The bill will contain the reading date, the meter reading, the consumption per 100 cubic feet or 100 gallons, the amount of the bill, the account number and the total amount due.

B. All money due the Department pertaining to water service will be deposited with the City Treasurer. All money paid to the City Treasurer as provided in this section pertaining to the Department's receipts will be kept by the City Treasurer in separate funds to be known as the water maintenance and operation fund and the water revenue fund.

C. All money due the Department pertaining to sanitary sewer rentals, new sewer connections and other miscellaneous sewer revenues will be deposited with the City Treasurer. All money paid to the City Treasurer pertaining to sewer receipts will be kept by the City Treasurer in separate funds to be known as the sewer maintenance and operations fund and sewer revenue fund. All money due the Department pertaining to sanitation fees will be deposited with the City Treasurer. The sanitation revenues will be deposited into the general purpose fund.

D. The City Treasurer will prepare a daily report of the total cash receipts of water and sewer revenue, or other reports as may be required from time to time, and submit copies to the Director and the City Auditor.

E. No money will be drawn by the City Treasurer or any other officer from the water maintenance and operation fund, the water revenue fund, the sewer maintenance and operation fund or the sewer revenue fund except on a warrant authorized by the Council in the same manner as other warrants are required to be drawn against the various funds of the City. All expenses necessary for the operation and maintenance of the public water system will be paid by warrant drawn on the water maintenance and operation fund. All expenditures for capital outlay necessary for the operation of the Department will be paid by warrant drawn on the water revenue fund. All expenses necessary for the operation and maintenance of the sewers system will be paid by warrant drawn on the sewer maintenance and operation fund in the same manner as other warrants required to be drawn against the various funds of the City. All capital expenditures for capital outlay necessary for the operation of the sewer system will be paid by warrant drawn on the sewer revenue fund.

F. The Director may designate private establishments as authorized City water payment stations, in the capacity of limited agents, to collect customer payments. These payment stations must perform pay station functions consistent with rules and instructions issued by the Department and will be paid a collection fee for the acceptable performance of these functions.

Sec. 37-87. Accounts generally; notices; house numbers to be correct.

The Department will identify all water accounts in its records by the house number and street name. The Department will send all notices regarding water accounts, and all notices regarding any other matter pertaining to the City water supply to any property, to the house number and street name of the property. The customer may submit a written request to have notices sent instead to an email address or to an address other than the service account address. Changes of address or notifications of an incorrect address must be promptly submitted to the Department.

Sec. 37-88. Payment of bills and charges.

A. 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% 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 fee each month on any delinquent amount, including unpaid late fees. If water service is suspended as prescribed in subsection B 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, except that the customer must pay late fees already assessed as of that date, along with any other amounts due, to restore water service pursuant to subsection B.

B. The Department will suspend water service if the customer's account is delinquent for non-payment. 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 on which payment must be received to avoid suspension of water services. The Department will send the notice 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 the turn-off fee and any assessed late fees, before the Department will restore water service.

C. The Department will not suspend water service for delinquent accounts on a Friday, Saturday, Sunday, City-observed holiday, or the day before a City-observed holiday.

D. If an account holder disputes the accuracy of the bill, the account holder may present objections by following the procedures prescribed in section 37-95.

E. An unpaid account balance may be transferred to another water service account with the same account holder.

F. The Department will send all delinquent accounts to a collection agency.

Sec. 37-89. Unpaid bills at previous location.

The Department may not establish a water service account for a person that owes a delinquent amount for City utility services, including delinquent charges and fees.

Sec. 37-90. Water service to tenants.

A. A tenant that is responsible under a lease for establishing and paying for water service may establish water service pursuant to section 37-84 and is responsible for the payment of all charges, costs, and fees for that service.

B. Landlords may enroll in a landlord/tenant transfer of service agreement to facilitate the uninterrupted transfer of services from landlord to tenant, and tenant to landlord, when there is a change in occupancy status of a property. To enroll, the landlord must complete, notarize and submit the agreement to enable this service and pay the fee established in section 37-84.

Sec. 37-91. Unregistered or unassessed water.

The Department will assess water charges, fees, and costs for any use of City water, even if the person who used the water failed to apply for or establish water services.

Sec. 37-92. Miscellaneous charges for water.

The rates to be charged and collected for all classes of service not named in this Chapter will be at the meter rates established in this Chapter, for quantities as near as may be estimated from the amount of water

consumed in similar places, and the consumption rates will be estimated by the Director.

Sec. 37-93. Discontinuance of service—On order of account holder.

A. The account holder or the account holder's authorized agent must make any request to discontinue water service. When a request to discontinue water service is submitted, the Department will obtain a final meter reading and calculate and bill for all unpaid charges for services supplied to the premises. The account holder must pay all charges by the date specified on the bill. The account holder requesting discontinuance of service must also furnish the Department with a change of address.

B. Until the account holder provides the Department with a notice of discontinuance of service and the Department terminates service, the account holder remains responsible for all charges, rates, fees and penalties for water service at the service location.

C. If the account holder 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 account holder any credit in excess of any balance owed by the account holder.

D. The Department will assign to a collection agency any delinquent amount remaining after the deposit is applied to the balance owed by the account holder.

Sec. 37-94. Resumption of service.

A. If water service is suspended due to a delinquent account, the customer must pay all delinquent amounts before service is restored. The Director may also require the customer to submit a security deposit pursuant to section 37-61.

B. On full payment of all delinquent amounts, the Department will restore water service for the account, unless extenuating circumstances such as broken or leaking pipes or other causes which are, in the opinion of the Director, sufficient reason to refuse or delay restoration of service.

Sec. 37-95. Administrative hearing.

A. To dispute the accuracy of the Department's billing, an account holder must submit to the Department a protest in writing or by email that identifies the amount of the bill challenged and specifies the reasons for the challenge. Any part of the bill not challenged is due and payable on the date specified on the bill. The Department must receive the account

holder's protest in writing or by email within 60 days after the end of the billing period in dispute. If the Department does not receive a timely protest, any dispute is waived. If the Department receives a timely protest, the Department will review the protest and provide the account holder a written decision that affirms or denies the protest and that informs the account holder of the right to seek administrative review of the decision.

B. The account holder may request administrative review of the Department's decision by submitting a written request for administrative review to the City Auditor Department within 30 days of the Department mailing the decision to the account holder. If the City Auditor Department does not receive a timely written request for administrative review, the Department's decision is final and may not be further appealed, and any challenged amount of the bill is immediately due and payable.

C. A written request for administrative review must include all of the following:

1. A statement of the specific amount objected to.
2. An explanation of why the billing is inaccurate and how that billing should be adjusted.
3. A request for hearing, if a hearing is desired.

D. The City Auditor will assign the request for administrative review to a hearing officer for consideration and decision. The hearing officer will be a City employee but may not be an employee of the Department.

E. The scope of the administrative review is limited to the accuracy of the Department billing of the account holder. The hearing officer may not consider legal, equitable, or policy arguments either in support of, or in opposition to, the fees, costs and charges adopted by the Council and codified in the Phoenix City Code. To prevail in the administrative review, the account holder must establish by a preponderance of the evidence that the Department incorrectly billed the account holder.

F. The hearing officer will provide to the Department a copy of the account holder's request for administrative review and will request a response from the Department. The Department will submit to the hearing officer, and mail to the account holder, a written response to the request for administrative review within 30 days of receipt of the request from the hearing officer.

G. If the account holder does not request a hearing, the hearing officer will issue a written decision based on the documentation submitted by the

account holder and the Department. The hearing officer's decision may uphold or deny, in whole or in part, the account holder's objection to the account holder's bill.

H. If the account holder requests a hearing, the hearing officer will schedule the hearing as soon as practicable after the Department submits the response pursuant to subsection F. The hearing officer will conduct the hearing pursuant to rules and procedures established by the City Auditor. The hearing officer may grant extensions of time limits prescribed in this section on a showing of good cause. Hearings will be conducted informally, and the rules of evidence will not apply, except that the hearing officer will make a decision based solely on substantial and reliable evidence. The account holder and the Department may appear at the hearing with witnesses and counsel to present information, explanation, and documentation. The Department and the account holder will each bear all of their own expenses incurred in the hearing, including counsel fees, witness fees, mileage, reproduction of documents, and other similar costs.

I. Within 30 days of the conclusion of the hearing, the hearing officer will issue a written decision. The hearing officer's decision may uphold or deny, in whole or in part, the account holder's objection to the account holder's bill.

J. If the hearing officer upholds the account holder's objection in whole or in part, the hearing officer may accordingly adjust the account holder's bill. The hearing officer's decision is final and conclusive between the City and the account holder as to the account holder's protest. The Department will not suspend the account holder's water service for failure to pay the amount subject to administrative review, until the hearing officer's written decision is issued as provided in subsection G or I. If the hearing officer denies the account holder's objection in whole or in part, the amount of the account holder's bill found to be owing to the Department is immediately due and payable.

Sec. 37-95.1. Public emergencies; medical and financial hardships.

The Director may establish rules for addressing public emergencies and medical and financial hardships faced by customers. The rules may provide for waiver of fees and alternate payment methods for the customer.

Article VI. Water Utilities Appraisal Review Board

Sec. 37-96. Water Utilities Appraisal Review Board—Established on ad hoc basis; composition; appointment and terms of members; administration; compensation of members.

The Water Utilities Appraisal Review Board (“Board”) is established on an ad hoc basis to review appraisals of water utilities, including their water supplies, for possible acquisition to expand the City public water system. The Council will appoint three members to the Board on approving the consideration of the acquisition of a water utility. The members serve until final action by the Council on the consideration of the acquisition of the water utility. The Board members will, at their first meeting, elect one of the members chairperson and adopt rules for the administration and proper functioning of the Board that are consistent with State law and the Phoenix City Charter and Code. The members of the Board receive no compensation for their services and will not be reimbursed for any expenses incurred by them in the performance of their official duties.

Sec. 37-97. Water Utilities Appraisal Review Board—Duties and powers.

A. The duties and powers of the Board are limited to reviewing the appraised values of water systems, including their water supplies, under consideration for acquisition by the City and advising the City Manager and the Council of its recommendations regarding the purchase price for the water systems, including their water supplies.

B. After review of the Board’s recommendations, the Director may negotiate for the acquisition of the water systems and the water supplies.

Sec. 37-98. Reserved.

Article VII. Enforcement Of Chapter

Sec. 37-99. Interference with or obstructing water system facilities; contamination; criminal penalties.

- A. No person may intentionally or knowingly deface, damage, use without authority or interfere with any component or facility of the City public water system.
- B. No person may pollute or contaminate the potable water supply of the City public water system.
- C. A violation of this section is a class 1 misdemeanor.

Sec. 37-99.1. Civil penalties; recovery of expenses.

Except as otherwise provided in this Chapter, a person who violates any provision of this Chapter is subject to a civil sanction of at least \$100.00 dollars per violation and not more than \$2500 dollars per violation.

Sec. 37-100. Terms and conditions of water service; recovery of expenses; authority of Director to suspend water service.

- A. The provisions of this Chapter are the terms and conditions under which the City provides water service to customers.
- B. The Department will charge and collect from any person who violates this Chapter the full amount of the City's economic loss caused by the violation.
- C. In addition to any other sanction available under this article, the Director will suspend water service to any property owned or used by a person who violates any provision of this Chapter, including a provision requiring payment of water charges, rates, and fees. The Director will provide notice of any discontinuation of water service as provided by subsection B of section 37-88. If water service is suspended under this section, the water service will not be restored until the person has paid to the City all penalties, applicable fees and deposits, and compensation for the City's economic loss.

Sec. 37-101. Provisions to be enforced; exception.

The provisions of this Chapter are for the benefit of the customers of water in the City and for the protection of the City's public water supply system. Enforcement of the provisions of this Chapter may not be intentionally ignored by any City official or employee. When strict enforcement of any

provision could result in a gross injustice on a customer, the Director may order a suspension of the provision for that particular case.

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Article VIII. Citizens' Water Rate Advisory Committee

Sec. 37-102. Citizens' Water Rate Advisory Committee; creation; composition; term of office.

A. The Citizens' Water Rate Advisory Committee ("Committee") is established. The Committee consists of nine members, serving without compensation, who must be Phoenix water users nominated by the Mayor and appointed by the Council.

B. Committee members serve for a period of three years. The initial appointment will be for the following terms:

1. Three members will be appointed to serve for the term of three years;
2. Three members will be appointed to serve for the term of two years;
3. Three members will be appointed to serve for the term of one year.

C. All subsequent appointments will be for the term of three years. In the event of death, resignation, removal or disqualification of any member of the Committee, the Mayor will nominate and the Council will appoint a member who will serve for the remainder of the unexpired term.

Sec. 37-103. Function and purposes.

The duties of the Committee include all of the following:

1. Annually review the water revenue requirements of the City's public water system and recommend through the City Manager to the Council rate and fee adjustments.
2. Consult with the City Manager and the Council from time to time as may be required by the City Manager and the Council relative to the financial needs of the City's public water system.
3. Sit and act as the Citizens' Wastewater Rate Advisory Committee. When sitting as the Citizens' Wastewater Rate Advisory Committee, the Committee will have duties prescribed in section 28-58 of the City Code.

Sec. 37-104. Appointment of officers and adoption of rules.

A. The Mayor will designate the Committee chairperson and vice-chairperson annually by the second Monday of July of each year.

B. The members of the Committee will adopt rules for the administration and proper functioning of the Committee. Any rule adopted must be consistent with the laws of the State, the Charter of the City, and the ordinances of the City.

C. One-half of the membership of the Committee constitutes a quorum for conducting Committee business.

D. The affirmative vote of a majority of the members present is necessary to pass any proposed motion. Committee members must vote on all issues placed before the Committee. A failure to vote or a voluntary abstention is counted as an "aye" vote unless the member refrains from voting as required by Section 38-503, Arizona Revised Statutes. In case of a tie in votes on any motion, the motion is defeated.

E. The Committee may appoint subcommittees as the Committee deems necessary.

F. The Council may remove a Committee member from the Committee if the member is absent from three consecutive regular meetings of the Committee.

G. The Committee and its members may not incur any expense on behalf of the City, and the City is not obligated for any expense incurred by any member of the Committee on behalf of the Committee, unless the expense is expressly authorized by action of the Council.

Secs. 37-105, 37-106, 37-107, 37-108, 37-109. Reserved.

Article IX. Water Conservation

Sec. 37-110. Limitations on water use for turf-related facilities.

A. A person may not apply water from any source to a water-intensive landscaped area in excess of the maximum annual water allotment established by the management plan.

B. The City may limit water deliveries to a turf-related facility to amounts less than the maximum annual water allotment pursuant to a drought management response procedure, as prescribed in Article X of this Chapter.

Sec. 37-111. Limitations of water use for bodies of water.

A. Except as provided in subsection B of this section, a person may not use water from any source to fill or refill all or a portion of a body of water, unless the body of water meets one of the conditions listed in section 45-132(B), Arizona Revised Statutes.

B. If the body of water is larger than one per cent of the net lot area but less than 12,320 square feet and is located in an area for which the cost of providing a non-potable water supply would be prohibitively high to either the City or the facility owner, as determined by the Director, a person may use water to fill or refill that body of water. For purposes of this section, "prohibitively high" means the per acre-foot 20-year amortized capital and operation and maintenance cost of providing non-potable water service to the development would exceed the estimated cost of the most expensive future water resource alternative identified in the City's long-range water resources plan. This determination will be based in part on the distance and cost of extending existing and planned reclaimed water mains and other non-potable water delivery systems to the body of water site.

C. A person who constructs any body of water after September 30, 1994, must comply with both of the following:

1. When full, the body of water must contain a minimum of five acre-feet of water per acre of surface area.
2. The body of water must be lined or sealed with an approved material to minimize water loss from seepage and must meet all applicable requirements of law.

D. A person may not use non-potable water to fill or refill a body of water if it would result in significant adverse impacts to groundwater quality in the area around the body of water.

E. The developer of a body of water must design and construct the water system to the body of water to allow for future conversion to non-potable water supplies, if the initial supply is not non-potable water, unless the Director determines that the body of water is in an area in which the cost of providing a non-potable water supply within the projected life of the body of water would be prohibitively high to the developer or the City.

F. The City may limit water deliveries to a body of water pursuant to a drought management response procedure, as prescribed in Article X of this Chapter.

Sec. 37-112. Limitations on water use for watering landscaping plants and turf-related facilities.

A. A person must comply with the management plan when applying water delivered by the City to water landscaping plants.

B. A person may not apply water delivered by the City to a new turf-related facility unless one of the following apply:

1. The water to be applied is exclusively non-potable water or untreated water delivered by the City.

2. The new turf-related facility is located in an area for which the cost of providing a non-potable or untreated water supply would be prohibitively high to the City or the person, as determined by the Director. For purposes of this section, "prohibitively high" means the per acre-foot 20-year amortized capital and operation and maintenance cost of providing non-potable or untreated water service to the new turf-related facility would exceed the estimated cost of the most expensive future water resource alternative identified in the City's long range water resources plan. The Director will make this determination based in part on the distance and cost of extending existing and planned reclaimed water mains and other non-potable water delivery systems to the new turf-related facility.

C. A person may not apply non-potable water to a new turf-related facility if it would result in significant adverse impacts to groundwater quality in the area around the new turf-related facility.

D. A person must comply with any other reasonable water conservation and non-potable water use requirements imposed by the Director when applying water delivered by the City to a new turf-related facility.

E. A developer of a new turf-related facility must design and construct the water system to the new turf-related facility to allow for future conversion to non-potable or untreated water supplies, if the initial supply is not non-potable or untreated water, unless the Director determines that the new turf-related facility is in an area in which the cost of providing a non-potable or untreated water supply within the projected life of the turf facility would be prohibitively high to the developer or the City.

F. The requirements of section do not apply to any of the following:

1. An existing turf-related facility.

2. A new turf-related facility located on shareholder lands of the association.

3. A new turf-related facility that is owned or operated by a party, successor or designee who has agreed to be bound by the provisions of an agreement entered into with the City before September 30, 1994, requiring the use of reclaimed water and covering the conditions of reclaimed water service.

G. The City may limit water deliveries to a new turf-related facility pursuant to a drought management response procedure, as prescribed in Article X of this Chapter.

Sec. 37-113—37-114. Reserved.

Sec. 37-115. Construction and repayment of non-potable or untreated water components.

A. The developer of a body of water or a turf-related facility that is required pursuant to this article to use non-potable or untreated water supplies delivered by the City is responsible for constructing any water treatment or delivery system components necessary for that delivery not included in a facilities plan or master plan approved by the Council and not included in the five-year capital improvement program approved by the Council. The Director will determine whether a component is included in an approved plan and in the approved capital improvement program as of the date the developer applies for a necessary City permit for the development of the body of water or turf facility.

B. If the developer of a body of water or a turf-related facility is not required by this article to use non-potable or untreated water supplies because the facility is located in an area for which the cost of service of that water supply is currently prohibitively high, but is located in an area for which the City has a master plan showing extension of a non-potable or untreated water line in the future, the developer must construct non-potable or untreated distribution lines from the turf area or body of water to the boundary of the development of sufficient size to allow for future use of non-potable water for that turf facility or body of water.

C. If to comply with this article, a developer must extend a City non-potable or untreated water main in order to serve a development or project, the City may enter into an agreement with the developer that addresses the delivery and use of non-potable or untreated water. The City may require the developer to construct a pipeline of a diameter larger than that needed to serve the development's projected peak day demand if the larger pipeline is included in a facilities plan or master plan approved by the Council, but is not yet in the five-year capital improvement program approved by the Council. If required to construct a larger pipeline, the developer's nonrefundable cost is limited to the amount required to construct a non-potable or untreated water main of sufficient capacity to serve the development's projected peak day demand. The City will collect connection charges from other developers connecting to the main and will repay those amounts to the developer using the repayment program procedure generally described in section 37-35. The City will assess the original developer a charge of \$100 for the administration of each repayment agreement.

D. Any developer that connects to a non-potable or untreated water main constructed by the City or approved by the Council in a planned five-year capital improvement plan shall pay a proportionate share of the City's cost for the main based on a percentage of the developer's maximum peak day demand from the water main to the maximum peak day delivery capacity of the water main constructed by the City. If the water main is not yet constructed, but in the City's five-year capital improvement program, the developer must enter into an agreement with the City to pay the developer's proportionate share before the date of application for the permit specified in subsection A of this section.

Sec. 37-116. Non-potable water use requirements for existing bodies of water and existing turf-related facilities.

A. The Director may require a body of water or turf-related facility to convert to use of non-potable or untreated water if all of the following apply:

1. The body of water or turf-related facility was constructed after September 30, 1994.

2. The body of water or turf-related facility is not using water from the Salt River Project pursuant to a decreed and appropriate right appurtenant to the land on which the body of water or turf-related facility is located.

3. The body of water or turf-related facility when constructed was not required by this article to use non-potable or untreated water.

4. The City provides non-potable or untreated water to the point of service delivery for the body of water or turf-related facility.

B. The owner of the body of water or turf-related facility must pay for all cost of construction beyond the point of service delivery for the non-potable or untreated water delivery system or modifying the existing water delivery system, including metering, installation and tap charges.

C. The owner must begin using non-potable or untreated water within five years of the date of receipt of a written notice from the Director that a non-potable or untreated water supply will be made available at the point of service delivery.

Sec. 37-117. Responsibility of facilities using untreated and non-potable water to secure necessary permits.

Developers of bodies of water or turf facilities required to use non-potable or untreated water supplies pursuant to this article must apply for and obtain all applicable federal, state and local permits necessary for use of the non-potable or untreated water.

Sec. 37-118—37-119. Reserved.

Sec. 37-120. Additional remedies.

A. A person who violates any provision of this article, in addition to any other sanction authorized by this Chapter, is subject to a civil sanction of not more than the following amounts:

1. Two hundred per cent of the charges for water used in violation of this article, if the violation is the person's first violation of this article and the violation continued for less than one year.

2. Five hundred per cent of the charges for water used in violation of this article, if the violation is the person's second violation of this article or if the violation continued for more than one year but less than two years.

3. One thousand per cent of the charges for water used in violation of this article, if the violation is the person's third violation of this article or if the violation continued for more than two years but less than three years.

4. Two thousand per cent of the charges for water used in violation of this article, if the violation is the person's fourth or more violation of this article or if the violation continued for more than three years.

B. If, as a result of a person's violation of this article or state law, the City is assessed a civil penalty or is ordered to take remedial action by DWR, the person must pay to the City the amount of the civil penalty, along with all costs and expenses incurred by the City due to the person's violation.

Article X. Drought Management Response Procedure

Sec. 37-121. Scope.

A drought management response procedure is established for the City and its water service area for implementation during a declared water shortage. The drought management response procedure includes the provisions of this article, rules and guidelines adopted pursuant to this article, and the drought management plan.

Sec. 37-122. Declaration of policy.

The waste or unreasonable use of water must be prevented during times of drought and water system or supply interruptions to ensure the general public welfare and safety. Therefore, the drought management response procedure is adopted.

Sec. 37-123. Authorization.

The Director shall implement the drought management response procedure on the Director's determination, pursuant to the standards stated in this article, that implementation is necessary to protect the public welfare and safety.

Sec. 37-124. Application.

The provisions of this article apply to all persons, customers and property served by the Department.

Sec. 37-125. Water Use Reduction Stages; Violations

- A. No person may knowingly use or permit the use of water from the City in violation of the drought management response procedure.
- B. The Director will promulgate a drought management plan that sets out criteria, consistent with this article, for determining when and where particular regulations within a water use reduction stage are to be implemented and terminated. The Director will update the drought management plan when, in the opinion of the Director, the conditions of the public water system have changed and necessitate an update. The drought management plan will be available to the public at the City Clerk's office, the Department administrative offices, and on the City's website.
- C. If there is a violation of the drought management response procedure, the Director may take actions, including mandatory measures up to and including disconnection of service, and other enforcement

actions as necessary to ensure compliance with the drought management response procedure. The Department will provide notice of the violation to the customer for the service where the violation occurred electronically or by placing a notice on the property where the violation occurred. The Department will provide a duplicate notice by United States mail to any other person known to the Department to be responsible for the violation or its correction. The notice will describe the violation and order the action corrected, ceased, or abated immediately or within a time specified by the Department. If the order is not complied with, the Department may immediately terminate the service where the violation occurred. If a service is terminated, the Department will assess and collect a fee, in an amount to be determined by the Director, before service is restored. The fee will be in addition to other fees or charges imposed by this Chapter for termination or reconnection of service.

D. If a second violation occurs at the same property or is committed by the same responsible party, the Department may immediately physically disconnect service at the location of the violation. Service will not be reconnected unless a device supplied by the Department that restricts the flow of water to the service is installed. The Director may impose an additional fee, in addition to other fees or charges imposed by this section and Chapter, for the disconnection and reconnection of service.

Sec. 37-126. Stage 1—Water Alert

A. The Director may declare a Stage 1 Water Alert when an insufficient water supply appears likely due to water system or supply limitations or structural failure, or when a catastrophic incident threatens the existing water supply or water delivery system. The declaration may designate the entire City service area or a portion of the service area, if the shortage is not system-wide.

B. On publication of a declaration by the Director of a Stage 1 Water Alert, the Department will implement the drought management plan. The water alert will trigger an intensive public education and information program to assist all customers impacted by the shortage to understand the state of the emergency and the need for voluntary compliance. City personnel will direct resources to enforce all existing City codes that impact water use.

C. The Director may terminate the Stage 1 Water Alert when the Director determines that the conditions on which the Director declared the Stage 1 Water Alert no longer exist.

Sec. 37-127. Stage 2—Water Warning.

A. The Director may declare a Stage 2 Water Warning when an insufficient water supply occurs due to water system or supply limitations or structural failure, or when a catastrophic incident limits the existing water supply or water delivery system. The declaration may designate the entire City service area or a portion of the service area, if the shortage is not system-wide.

B. On publication of a declaration by the Director of a Stage 2 Water Warning, elements of a Stage 2 Water Warning prescribed in the drought management plan may become mandatory and be enforced, as determined necessary by the Director. The elements may include, in addition to any other remedy available in this Chapter, surcharges authorized by this Chapter.

C. The Director may terminate the Stage 2 Water Warning when the Director determines that the conditions on which the Director declared the Stage 2 Water Warning no longer exist.

Sec. 37-128. Stage 3—Water Emergency.

A. The Director may declare a Stage 3 Water Emergency when additional reductions in deliveries or other system constraints will occur to a level such that Stage 2 water use reduction measures will be insufficient to ensure water demands are met in the service area. The declaration may designate the entire City service area or a portion of the service area, if the shortage is not system-wide.

B. On publication of a declaration by the Director of a Stage 3 Water Emergency, the Department will implement mandatory water use reduction programs, and the Director will recalculate the surcharge, and the surcharges will be applied to meet the increased regulation and enforcement expenses of this article.

C. The Director may terminate the Stage 3 Water Emergency when the Director determines that the conditions on which the Director declared the Stage 3 Water Emergency no longer exist.

Sec. 37-129. Stage 4—Water Crisis.

A. The Director may declare a Stage 4 Water Crisis when additional reductions in deliveries or other system constraints will occur to a level such that Stage 3 emergency supply and water use reduction measures will be insufficient to ensure water demands are met in the service area and additional measures are necessary to protect human health and safety. The declaration may designate the entire City service area or a portion of the service area, if the shortage is not system-wide.

B. On publication of a declaration by the Director of a Stage 4 Water Crisis, the Director may impose a surcharge for water service sufficient to reduce water demand to match available supplies. All monies collected from surcharges in excess of replacement of revenues lost through drought-induced demand reduction and use programs will be used consistent with this article.

C. The Director may terminate the Stage 4 Water Crisis when the Director determines that the conditions on which the Director declared the Stage 4 Water Crisis no longer exist.

Sec. 37-130. Water use reduction implementation.

A. The Director, in consultation with the City Manager, will declare a stage of water use reduction by public declaration and will publish the declaration a minimum of one time in a daily newspaper or a weekly publication of general circulation. The declaration may include water-use restrictions and other measures ordered by the Director as allowed by this article or the drought management plan. Applicable restrictions take effect and are enforceable on publication of the announcement; except that restrictions due to water treatment or delivery system failure, or unforeseen sudden increases in demand for water, are enforceable immediately following the filing of intent with the office of the City Clerk. All declarations will also be publicly available on the City's website.

B. Termination of a stage of water use reduction will be effective on publication of notice of termination in a daily newspaper or weekly publication of general circulation. The notice of termination of a stage of water use reduction will also be publicly available on the City's website.

Sec. 37-130.1. Surcharges, fees, penalties, and variances.

A. The assessment of surcharges, fees, and penalties is an exercise of the City's regulatory and police powers, and monies collected from reconnection fees, penalties, and surcharges are not rates for production of water revenue. Monies collected from surcharges will be placed in a special fund. The fund will be used for furthering the purposes of this article including meeting the expenses of enforcement of this article, providing demand reduction assistance to customers, meeting demand reduction-induced cash shortfalls, or augmenting water supplies.

B. The Director may, in writing, grant variances to persons who apply, on forms supplied by the Department, for water uses not in compliance with the drought management response procedure or for relief of the drought surcharge. The Director may grant a variance if the water use is

necessary to prevent an emergency condition relating to health, safety, or extreme economic hardship; is essential to governmental services such as police, fire, and similar emergency services; or is for customers who have made every reasonable effort to reduce water use. The Director may consider the applicant's efforts to conserve water before onset of drought conditions in granting a variance.

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Article XI. Water Environmental Charge

Sec. 37-131. Definitions.

In this article:

Advanced water treatment means programs and processes required to meet the 1987 amendments to the Safe Drinking Water Act, the National Pollutant Discharge Elimination System (NPDES) permit and any subsequent amendment to the Safe Drinking Water Act or NPDES permit. These processes may include used water recovery, corrosion control, reduction of disinfectant byproducts, well head treatment or down-hole modifications, granular activated carbon treatment, water quality testing and monitoring and other similar programs as deemed appropriate by the Director.

Corrosion control (lead and copper) means programs implemented to reduce lead and copper in the water system and at the customer's tap.

Disinfectant byproducts reduction means programs required to reduce disinfection byproducts that are produced when natural organics in the water interact with disinfectants. The Safe Drinking Water Act amendment regulates the level of disinfectant byproducts in treated water.

Granular activated carbon treatment means a process in which nonvolatile and semivolatile organic compounds are removed through absorption on the surface of carbon particles.

Used water recovery means a process required for the treatment of waste streams produced by water treatment plants and residual solids handling to meet water quality standards for discharge to receiving waters.

Water quality programs means programs required by the 1987 amendments to the Safe Drinking Water Act and any subsequent amendments, such as water quality testing and monitoring and customer education.

Well head treatment or down-hole modification means treatment processes to remove contaminants from groundwater at the well head or structural modification to seal wells at the level that contaminants are occurring.

Sec. 37-132. Purpose of water environmental charge.

The purpose of the charge imposed by this article is to identify and to ensure recovery of the cost of advanced water treatment.

Sec. 37-133. Water environmental rate.

A. In addition to other rates and charges prescribed in this Chapter, the Department will charge monthly the following water environmental rates for customers receiving the City water service located within the City or the Town of Paradise Valley:

Environmental Rate

1. *Residential Users:*

Single-family residence, rate per 100 cubic feet	\$0.620
Multi-family residence:	
Trailer courts and all other multiple-family uses, rate per 100 cubic feet	\$0.620

2. *Commercial Users:*

All commercial categories, rate per 100 cubic feet	\$0.620
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3. *Industrial Users:*

All industrial categories, rate per 100 cubic feet	\$0.620
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B. The Department will charge monthly customers serviced directly by the City located outside the City’s limits, except the Town of Paradise Valley, a water environmental rate in the amount of one and one-half times the water environmental rate for the same classification of service inside the City.

Sec. 37-134. Payment of bills and charges.

The Department will charge all water service accounts the monthly water environmental rate on the monthly utility bill, and the Department will state the water environmental rate separately on the utility bill.

Sec. 37-135. Utilization of water environmental charge revenues.

A. The City will maintain financial records to ensure use of water environmental charge revenues pursuant to this section.

B. The water environmental charge revenues may be used for any of the following:

1. Operations, maintenance and replacement costs for advanced water treatment.
2. Water quality programs required by the 1987 amendments to the Safe Drinking Water Act, and any subsequent amendments to the Safe Drinking Water Act, such as treatment plant laboratory analysis and monitoring.
3. Debt service, direct capital costs, and in lieu of property tax payments incurred for facilities necessary for advanced water treatment.
4. Administrative functions that directly support advanced water treatment. Administrative functions include Department and division indirect costs, central service costs from other City departments, and computer billing implementation costs.

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Article XII. Backflow Prevention

Sec. 37-141. Declaration of policy; authorization.

Danger to the public health, safety, and welfare resulting from contamination or pollution of the public potable water supply system requires that measures be adopted to protect that system by authorizing City officials to do all of the following:

1. Protect the public potable water supply from the possibility of contamination or pollution by preventing the backflow of contaminants or pollutants into the public potable water supply system.
2. Promote the awareness and elimination of cross connections, actual or potential, of a customer's internal potable water system with the public potable water supply system.
3. Provide for a continuing program of backflow prevention control that will prevent the contamination or pollution of the public potable water supply system.
4. Provide for the monitoring and enforcement of a continuing program of backflow prevention that will prevent the contamination or pollution of the public potable water supply.
5. Comply with R18-4-215, Arizona Administrative Code, "Backflow Prevention," effective August 30, 2008. One copy of R18-4-215 will be on file with the City Clerk and the Planning and Development Department.

Sec. 37-142. Cross connections from or to source of water supply other than that of City.

No person may cause a connection to be made or allow a connection to exist for any purpose between the City water supply and any other source of water without the approval of the Director.

Sec. 37-143. Responsibility for backflow prevention control.

- A. *Director.* The Director will protect the public water supply by applying the remedies and enforcement provisions set forth in this article.
- B. *Planning and Development Director responsibilities.* The Planning and Development Director will enforce all of the following:

1. The Planning and Development Director will administer and enforce all applicable cross connection control provisions of the Phoenix Plumbing Code, including issuance of permits for all required backflow prevention assemblies.

2. The Planning and Development Director will determine whether a facility is a listed facility or activity in section 37-144 and therefore requires backflow protection. This responsibility includes inspection as necessary of all existing facilities connected to the City water system.

3. The Planning and Development Director will, as a condition of issuance of any building permit, require installation of appropriate backflow prevention as required by section 37-144 and the Phoenix Plumbing Code.

4. The Planning and Development Director will determine the type and location of all backflow prevention assemblies in accordance with this Chapter and all other codes and ordinances of the City.

5. The Planning and Development Director will keep adequate records of each test of an approved backflow prevention assembly and any subsequent maintenance or repair thereof.

C. *Customer responsibilities.* A customer shall prevent pollutants or contaminants from entering the customer's water system and the public potable water system. The customer's responsibility is for the customer's water system, which starts at the point of service delivery from the public potable water system and includes all water piping systems. The customer shall properly locate, install, test and maintain each backflow prevention assembly in good working condition and shall provide the necessary inspections to assure that the assembly is operating properly. In addition, the customer must comply with all of the following:

1. The customer shall obtain a permit from the Planning and Development Department for the installation of any backflow prevention assembly or for the modification of any plumbing system.

2. The customer shall test all backflow prevention assemblies at least once a year except that the Planning and Development Director may require more frequent testing. As to fire lines or fire sprinkler systems with backflow prevention assemblies, the initial and annual test must be performed by a certified tester who is also

permitted by the City Fire Marshal to test fire lines or fire sprinkler systems. The initial and annual test must include a full flow test. The customer shall test and submit all testing results to the Planning and Development Director. If the test reveals the assembly to be defective or in unsatisfactory operating condition, the customer shall perform to the satisfaction of the Planning and Development Director all repairs or replacement so that the assembly is in satisfactory operating condition.

3. If the Director, the Planning and Development Director, or customer becomes aware during the period between annual tests that an assembly is defective or in unsatisfactory operating condition, the customer shall perform to the satisfaction of the Planning and Development Director all repairs, replacement and any retesting so that the customer has an assembly in satisfactory operating condition.

4. Assembly testing must be performed by a certified tester. Testing requirements must be in accordance with the procedures outlined in the most recent edition of the University of Southern California Manual of Cross-Connection Control ("USC manual"). Copies of the most recent USC manual will be on file with the City Clerk and the Planning and Development Department. Assembly repair must be performed by a certified repairer in accordance with the procedures outlined in the most recent edition of the American Society of Sanitary Engineering (ASSE) Series 5000 Cross-Connection Control Professional Standard #5130. Copies of the most recent ASSE Standard will be on file with the City Clerk and the Planning and Development Department

5. The customer shall submit copies of testing records pertaining to assemblies, on forms approved by the Planning and Development Director, by the date specified by the Planning and Development Director. The customer must retain all records for a minimum of three years from the date that a copy of the record was provided to the Planning and Development Director.

6. The customer shall install backflow prevention assemblies, at the customer's expense, in compliance with the standards and specifications adopted by the City.

7. In the event the customer's or the public water system is contaminated or polluted due to a cross connection or other cause, the customer shall, on discovery of the contamination or pollution, promptly notify the Director and the Maricopa County Health Authority.

D. For the purposes of this article, “customer” means any person that has physical control, authority or responsibility for a water system that receives water service from the City public water system.

Sec. 37-144. Backflow prevention methods.

A. *Approved backflow prevention method.* Unless otherwise specifically designated by the Director, an approved backflow prevention method shall be one of the following types:

1. *Air gap:* An unobstructed vertical distance through the free atmosphere between the opening of any pipe or faucet supplying potable water to a tank, plumbing fixture or other device and the flood level rim of said tank, plumbing fixture or other device. An approved air gap must be at least double the diameter of the supply pipe or faucet and in no case less than one inch.

2. *Reduced pressure principle assembly (hereafter "RP"):* An assembly containing two independently acting approved checkvalves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the checkvalves and at the same time below the first checkvalve. The assembly must include properly located test cocks equipped with brass plugs and tightly closing resilient seated shut-off valves at each end of the assembly.

3. *Pressure vacuum breaker assembly (hereafter "PVB"):* An assembly containing an independently operating, loaded checkvalve and an independently operating, loaded air inlet valve located on the discharge side of the checkvalve. The assembly must be equipped with properly located test cocks fitted with brass plugs and tightly closing resilient seated shut-off valves located at each end of the assembly.

4. *Double checkvalve assembly (hereafter "DC"):* An assembly composed of two independently acting, approved checkvalves, including tightly closing resilient seated shut-off valve at each end of the assembly and fitted with properly located test cocks equipped with brass plugs.

B. *Requirements for new services and existing services.* An approved backflow prevention method is required for the activities or facilities listed in this paragraph that are connected to the public water system. The backflow prevention method must be in accordance with that specified in the USC manual. The location must be as close as practicable to the point

of service delivery except that the customer may request that the approved backflow prevention method be located internally within the activity or facility. The customer must demonstrate that the proposed location will adequately protect the public water supply as well as satisfy the applicable requirements of this article. For purposes of this paragraph, the listed facilities, equipment or conditions must be as defined in the USC manual, or if not listed in the USC manual, must be as defined in the City of Phoenix Zoning Ordinance or Construction Code:

Industrial facilities:

1. Aircraft and missile plants (air gap or RP).
2. Automotive plants (air gap or RP).
3. Beverage bottling plants (air gap, RP or DC).
4. Breweries (air gap or RP).
5. Canneries, packing houses, reduction plants and food processing plants (air gap or RP).
6. Chemical plants—manufacturing, processing, compounding or treatment (air gap or RP).
7. Dairies and cold storage plants (air gap, RP or DC).
8. Film laboratories (air gap or RP).
9. Laundry and dye works (air gap or RP).
10. Metal manufacturing, cleaning, processing and fabricating plants (air gap, RP or DC).
11. Oil and gas production, storage or transmission properties (air gap or RP).
12. Paper and paper products plants (air gap or RP).
13. Plating plants (air gap or RP).
14. Power plants (air gap or RP).
15. Radioactive materials or substances—plants or facilities handling (air gap or RP).

16. Rubber plants—natural or synthetic (air gap or RP).
17. Sand and gravel plants (air gap or RP).
18. Semiconductor manufacturing facilities (air gap or RP).
19. Sewage and storm drain facilities, reclaimed water (air gap or RP).

Medical facilities:

20. Research laboratories (air gap or RP).
21. Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes and clinics (air gap or RP).
22. Veterinary hospital, animal research, or animal grooming shops (air gap or RP).
23. Medical marijuana grow facilities (air gap or RP).

Commercial and educational facilities:

24. Buildings: Any structure having a cross connection in violation of the Phoenix Plumbing Code or water operated sewage pumping facilities, auxiliary water supplies or other like sources of contamination which would create a potential hazard to the public water system (air gap, RP or DC).
25. Carwash facilities (air gap or RP).
26. Motion picture studios (air gap or RP).
27. Multi-storied buildings having booster pumps or above-ground storage tanks (air gap, RP or DC).
28. Multiple services—interconnected (air gap, RP or DC).
29. Mobile home parks (RP or DC).
30. Recreational vehicle parks (RP or DC).
31. Schools and colleges with laboratories (air gap or RP).

32. Retail shopping centers and strip malls; retail and industrial shell buildings (when one service supplies more than one tenant) (RP).

33. Supermarkets, butcher shops, and restaurants (air gap or RP).

34. Retail and wholesale nurseries (air gap or RP).

35. Equestrian properties (air gap or RP).

Portable or temporary services or equipment:

36. Construction sites or construction water services (air gap or RP).

37. Mobile equipment utilizing public potable water (i.e., water trucks, street sweepers, hydro-vacs, etc.) (air gap or RP).

38. Portable insecticide and herbicide spray tanks (air gap or RP).

Miscellaneous activities and equipment:

39. Auxiliary water systems (air gap or RP).

40. Chemically contaminated water systems (air gap or RP).

41. Fire systems:

a. Class 1 or 2: Backflow prevention assembly is required. Check valve assemblies required by the Phoenix Fire Code must be inspected, tested and maintained at least annually to verify the valves are properly installed and functioning. Annual flow and valve confidence tests must be performed by a tester who is permitted by the City Fire Marshal to test or maintain fire lines or fire sprinkler systems. Test results, on forms approved by the City, shall be provided to the Director and the City Fire Marshal within 30 days following the inspection. Any fire sprinkler system which fails must be repaired as required by the Fire Code.

b. Class 3, 4, 5, or 6 (RP).

42. Industrial fluid systems. Any industrial fluid system interconnected with the public water supply and containing any fluid

or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply (RP or DC).

43. Irrigation systems:

- a. System using a chemical injection system (RP).
- b. System having elevated areas which are higher than six inches below the PVB or multiple services (RP).
- c. System not subject to backpressure (PVB).

44. Restricted, classified or other closed facilities including civil works (air gap or RP).

45. Solar heating systems—direct and auxiliary (RP).

Exception: Once through solar heating systems.

C. The Planning and Development Director will determine on a case-by-case basis backflow prevention requirements for any facility or activity not listed in this section in order to prevent contamination or pollution of the public potable water system.

D. All assemblies must be accessible for testing and maintenance. A reduced pressure principle assembly or double check valve assembly may not be installed in a basement, meter box, pit, or vault. A pressure vacuum breaker assembly must be installed above ground.

E. Unless a cross connection problem is specifically identified, or as except as otherwise provided in this article, the requirements of this article do not apply to single-family residences used solely for residential purposes.

F. “Close as practicable” means the point nearest the point of service delivery where the assembly can be installed. Where the assembly installation location may interfere with obstacles such as driveways and sidewalks, then “close as practicable” means the nearest point after the obstacle, but in no event beyond the first tap.

G. An air gap separation must be located as close as practicable to the customer’s point of service delivery. All piping between the customer’s connection and receiving tank must be entirely visible unless otherwise approved by the Planning and Development Director.

Sec. 37-145. Appeals.

An action or decision concerning the determination of the Planning and Development Director may be appealed to the Development Advisory Board in accordance with the procedures set forth in chapter 2, article IX of the Phoenix City Code.

Sec. 37-146. Remedies.

A. If a customer has committed one or more of the acts contained in subsection D below and has not taken the corrective action as required by the Planning and Development Director, the Director may impose a civil penalty of not more than 1000 per cent per billing period on the charges for all water used beginning from the date the corrective action was required and until the corrective action has been completed by the customer.

B. If a situation that would otherwise result in termination of water service is not remedied within the time provided in the notice of termination sent to the customer, the Director may install a backflow prevention assembly at the customer's point of service delivery and bill the customer for all costs, together with all applicable penalties.

C. The Director may publish in the largest daily newspaper published in the City notice of customers who during the preceding 12-month period were in violation of any requirement of this article. The publication will also summarize any enforcement action taken.

D. In addition to any other remedy available, the Director, if requested by the Planning and Development Director, may terminate water service to a customer, if the customer does any of the following:

1. Fails to properly locate, install, test or maintain a required backflow prevention assembly.
2. Removes or bypasses a required backflow prevention assembly without the prior approval of the Planning and Development Director.
3. Allows a cross connection to occur.
4. Fails to timely submit records of tests and repairs of a backflow prevention assembly.

5. Fails to comply with the written policy on backflow prevention and cross connection on file with the City Clerk and Planning and Development Director.

6. Fails to comply with any requirements imposed on the customer by R18-4-215, Arizona Administrative Code.

E. Termination of water service as provided by subsection D of this section will be immediate and without prior notice if the Director determines that the customer's water system may cause a health hazard to the public potable water supply. Otherwise, the Director will give 10 days' written notice to the service address to be terminated before termination of water service. Water service may be restored when the condition forming the basis for the termination has been remedied to the satisfaction of the Planning and Development Director. The customer must pay all costs, fees, and expenses incurred by the City, and all surcharges and penalties relating to the termination and restoration of water service, before the water service is restored.



Transit Furniture Manufacturing and Installation - Request for Award

This report requests the Transportation, Infrastructure and Innovation Subcommittee recommend City Council approval to enter into an agreement with Talis Construction Corporation to construct and install new bus shelters.

THIS ITEM IS FOR DISCUSSION AND POSSIBLE ACTION.

Summary

The design is the result of a collaboration between the Phoenix Public Transit Department (PTD) and students at ASU's Institute for Design and Arts to design new bus shelters that provide improved shade for bus riders and are, in the long run, currently estimated to be more economical to manufacture.

Phoenix has 4,050 bus stops, 2,650 of which currently utilize one of four shade structure designs. The bus shelters currently in use provide maximum shade when the sun is directly overhead. The purpose of the collaboration the ASU industrial design students was to design and conduct initial testing of new shade structures which achieve higher shade coverage when the sun is at different angles. The new design can be particularly effective for bus stops where shelter placement makes it difficult to block the sun, such as west-facing stops.

Improving shade for transit riders is a priority identified in the voter-approved Phoenix Transportation 2050 (T2050) plan. The result is three new shelter options that offer a more flexible platform to provide shade for riders throughout the city.

The three shelter models which resulted from the collaboration are as follows:

- Shelter 1: T2050 shelter - the standard shelter
- Shelter 2: The "kit-of-parts" shelter and seats - A flexible shelter base that allows staff to install either a scaled-down version in areas with limited right-of-way (ROW), or install a series of shelters side-by-side to offer additional shade where allowed by the available ROW. This shelter has a smaller footprint than the standard T2050 shelter.
- Shelter 3: The "larger" version - this shelter utilizes components from the kit-of-parts model to form a larger shelter that can be installed in areas that call for a unique

shelter design or placement.

The Public Transit Department will utilize the following protocol as a basis for the placement of the new shelter design, recognizing that the current design will also continue in tandem with the new model:

- West-facing bus stops (new and existing with high ridership)
- Locations with limited ROW or other structural barriers
- High ridership locations in need of additional shade
- Replacing current bus shelters that can no longer be repaired or have sustained damage

Procurement Information

The City issued an Invitation for Bid (IFB PTD19-010) on Feb. 3, 2020, to award a maximum two-year Transit Furniture Manufacturing and Installation contract. A two-year contract provides staff with a suitable time frame by which the new design can be manufactured, installed and tested against the use and wear it will experience in the field.

On March 5, 2020, two bids were received from the following offerors:

- Southwest Fabrication, LLC
- Talis Construction Corporation

Both bids were determined to be responsive to the solicitation. The bids were evaluated based on price, as set forth in IFB:

- Talis Construction Corporation: \$2,265,612
- Southwest Fabrication, LLC: \$2,931,036

Contract Term

The agreement shall begin on or about Oct. 1, 2020, with an end date no later than May 30, 2022.

Financial Impact

The aggregate contract value will not exceed \$2,265,612. Funding is available for the first year of the agreement in the Public Transit Department fiscal year 2020-21 Capital Improvement Program budget utilizing T2050 funds.

Concurrence/Previous Council Action

This item is scheduled to be heard at the Citizens Transportation Commission meeting

on Aug. 27, 2020.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.



Street Mural Pilot Program

This report provides information to and requests direction from the Transportation, Infrastructure and Innovation Subcommittee on a potential pilot project for the installation of a Black Lives Matter street mural in downtown Phoenix.

THIS ITEM IS FOR DISCUSSION AND POSSIBLE ACTION.

Summary

In numerous cities across the country, businesses, organizations and communities have been provided the ability to request, create and install street murals within the public right-of-way for artistic expression. Recently there have been efforts in many cities (New York City, Oakland, San Francisco, Minneapolis, and Chicago, and more locally Tucson) for the approval and installation of street murals in support of the Black Lives Matter Movement. Most of these street murals consist of the statement "Black Lives Matter" painted in large letters of either one color, multiple colors, or artistic depictions within the letters. The installations span across multiple travel lanes of city streets.

In Phoenix, community members have approached the City with a request to install a "Black Lives Matter" street mural in downtown Phoenix. Councilwoman Pastor requested the Street Transportation Department (Streets) and the street mural organizer meet to discuss the request and details such as potential location, size, cost, as well as safety and liability concerns. The street mural currently proposed by the street mural organizer would include the "Black Lives Matter" statement, as well as painted likenesses of civil rights leaders Dr. Martin Luther King Jr., César Estrada Chávez, and former United States Representative John Robert Lewis (**Attachment A**). The street mural organizer's request is to install the street mural either adjacent to or nearby the Talking Stick Resort Arena, Phoenix City Hall, or the Arizona State Capitol. Streets staff has been meeting with the street mural organizer to discuss the proposed street mural and the conditions and requirements of a potential street mural pilot project.

Installation of a mural in public rights-of-way is not currently permitted or allowed by the City. In June 2019, the City adopted a non-standard crosswalk treatment program (

Attachment B), which resulted in the development and implementation of a Non-Standard Crosswalk Marking Program policy (**Attachment C**). This program is limited to City crosswalks and is the only non-standard markings permitted on City streets. Many of the concerns Streets might have in regards to a street mural pilot project were researched and addressed in the development of the Non-Standard Crosswalk Marking Program policy (**Attachment C**).

Since street murals are larger and more prominent than non-standard crosswalk markings, Streets staff conducted additional research into the practice of allowing street murals within public rights-of way. Specifically, Streets focused on the following areas: safety, risk and liability, federal guidelines, installation / maintenance / removal requirements, public forum legal concerns, and other pilot project requirements. These areas are further described below.

Safety

Streets has concerns about the potential for driver confusion with the use of any non-standard signage or markings in public rights-of-way. Depending on the application, street murals may interfere directly with pavement markings meant to direct traffic. With the majority of "Black Lives Matter" street murals installed in other municipalities, lane lines, crosswalks, and other painted pavement markings have been partially or fully obscured by the street mural. If a mural were to be installed on City streets, Streets staff would recommend not allowing such interference with any painted pavement markings in order to reduce the likelihood of driver confusion. The Non-Standard Crosswalk Marking Program policy (**Attachment C**) requires a 3-inch gap between the mural and street lane lines, crosswalks or other traffic control pavement markings.

Staff also has concerns that street murals draw driver attention away from the task of driving and could contribute to collisions. In addition to potential driver distraction, street murals may attract pedestrians to move closer, or even enter the roadway at non-designated locations, in order to view the street mural or take photos with or of the street mural.

To help address safety concerns, Streets would recommend any street mural be installed on a lower traffic volume street.

Risk and Liability

By allowing the installation of street murals within public rights-of-way, the City would be permitting conditions and pavement markings that are different from what drivers should reasonably expect on a public street. Pavement markings are standardized by the Federal Highways Administration (FHWA) in its Manual on Uniform Traffic Control

Devices for Streets and Highways (MUTCD) to set national standards for all governmental entities to follow. If street murals were permitted on City streets, and collisions, injuries, and/or fatalities occurred in the street mural area, the City would take on the additional risk and liability associated with the use of non-standard pavement markings on its streets.

Federal Guidelines

The FHWA's 2013 Official Ruling on the Application of Colored Pavement memorandum (**Attachment D**) and its Frequently Asked Questions webpage related to interpretation of its MUTCD (Part 3 - Markings) both discourage anything within right-of-way that are not exclusively for public highway purposes. More specifically, FHWA states: "Intersection murals and street artwork have a potential to compromise motorist safety by interfering with, detracting from, or obscuring official traffic control devices. They can also encourage road users - especially bicycles and pedestrians - to directly participate in the design, loiter in the street, or give reason to not vacate the street in an expedient or predictable manner."

FHWA's primary concerns related to the application of colored pavement, and by extension to street murals, are safety-related. In essence, FHWA shares Streets concerns about the safety issues related to street murals, or other non-standard markings in public rights-of-way.

Installation, Maintenance, and Removal

The design, installation, maintenance, and removal of the street mural would need to be the responsibility of the street mural organizer. This includes all costs, material, labor, traffic control, and other resources associated with the street mural. This would be a requirement similar to the Non-Standard Crosswalk Marking Program policy (**Attachment C**).

The installation of the street mural would be expected to take at least one week to install and would require a full street closure no matter the installation location. The street mural organizer would be responsible for applying for a traffic restriction and closure permit, including the provision of barricades in compliance with the City's Traffic Barricade Manual. The street mural organizer would also be required to utilize durable, street-striping grade paint to increase the street mural's longevity and reduce its cleaning needs. City pavement markings typically last approximately two years under normal traffic conditions. Street closures and barricades would be necessary for installation and any future required cleaning or maintenance. For durability purposes, the street mural should also be installed on lower traffic volume streets to reduce the wearing of the street mural paint.

Public Forum Legal Concerns

Installation of a street mural, such as the “Black Lives Matter” street mural, can raise public forum legal concerns if installed in the public right-of-way. Some cities across the country that have allowed street murals such as these are facing legal challenges to their implementation.

Pilot Project Requirements

If approved as a pilot project, the proposed street mural pilot project would involve the installation of the "Black Lives Matter" street mural as requested by the street mural organizer. Streets would recommend the installation be on a downtown city street that has a lower volume of traffic. The street and location selected for the street mural would be mutually agreed upon by the City and the street mural organizer based on criteria such as suitable traffic volumes, appropriate street mural scale, likelihood of future street construction, and safety considerations. As the City does not currently allow or permit street murals, Streets would recommend utilizing the Council-approved Non-Standard Crosswalk Marking Program (**Attachments B and C**) to help guide the terms and conditions that would be used for a street mural.

The following elements would be recommended for the Street Mural Pilot Program:

- Street mural design will be reviewed by the Street Transportation Director.
- Installation location will be on a lower traffic volume street.
- Street mural design and installation cannot interfere with street lane lines, crosswalks or other traffic control pavement markings. The City will require a minimum 3-inch gap between such markings and the mural design.
- Installation of the street mural will be performed by the street mural organizer; and all costs associated with the installation including labor, material, traffic control, and other resources will be the responsibility of the street mural organizer.
- Maintenance, cleaning and removal of the street mural will be performed by the street mural organizer, including all costs associated with maintenance, cleaning and removal.
- The street mural organizer and the City will enter into an agreement for installation of the street mural, as well as future maintenance, cleaning and removal responsibilities and costs.
- Street mural design must not detract from the safety of the street and street users.
- Street mural design cannot relate to any illegal activity; depict violence or anti-social behavior; depict anything obscene, pornographic, vulgar, profane, or scatological; depict nude or semi-nude images (as defined in Section 11-811 of the Arizona Revised Statutes); or depict the use of tobacco, smoking products, alcohol or illicit drugs.

- Street mural design and location will be presented to and require the approval of the City Council.

If the street mural pilot project is approved, Streets staff will monitor the street mural installation for safety, liability and durability concerns. Streets will provide an update to the Subcommittee no later than six months after installation of the street mural pilot project, and based on results of the pilot may return with a proposed street mural program.

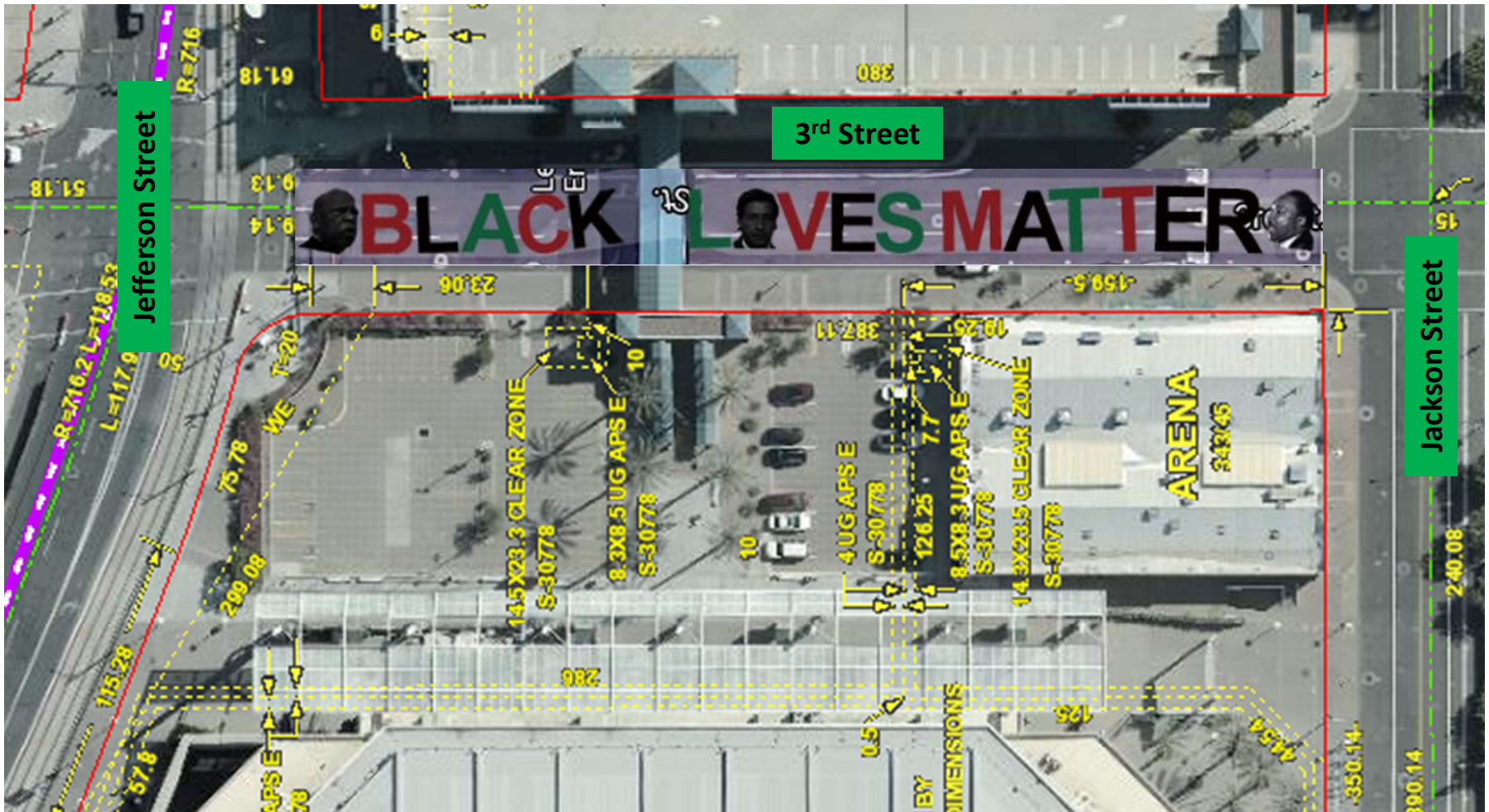
Location

Council Districts: 7 and 8

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.

Attachment A – Black Lives Matter Proposed Street Mural



Attachment B

ORDINANCE S-45794

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ESTABLISH A NON-STANDARD CROSSWALK TREATMENT PROGRAM AND RELATED POLICIES FOR THE STREET TRANSPORTATION DEPARTMENT.

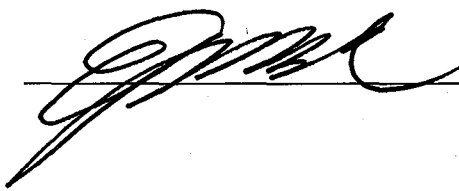
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. The City Manager or his designee is authorized to establish a Non-Standard Crosswalk Treatment Program and policies for the evaluation of applications and requirements for design, installation and on-going maintenance. The installation of any new non-standard crosswalk must be approved by the City Council. The City will install and maintain the crosswalks and all costs will be recovered from the applicant.

PASSED by the Council of the City of Phoenix this 19th day of June, 2019.



MAYOR

ATTEST:


ACTING ACTING
City Clerk

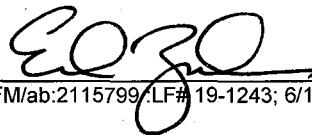


APPROVED AS TO FORM:



Acting City Attorney
MFA

REVIEWED BY:



City Manager
MFM/ab:2115799/ LF# 19-1243; 6/19/19

Non-Standard Crosswalk Marking Program

DRAFT

POLICIES, PROCEDURES AND
REQUIREMENTS



City of Phoenix

STREET TRANSPORTATION
DEPARTMENT

2020

Non-Standard Crosswalk Marking Program

I. INTRODUCTION:

In recent years, several cities have created policies allowing businesses, organizations and communities the ability to request non-standard crosswalks. Non-standard crosswalks incorporate designs or multi-color treatments within the interior portion between the existing white lines. Such elements do not provide additional safety to pedestrians above and beyond the standard reflective crosswalks. The purpose of a policy would be to allow the consideration of non-standard crosswalk installations, if requested, while providing requirements for its design, installation and ongoing maintenance as to not compromise the safety of pedestrian crossings or to place additional financial burden on the City.

Non-standard crosswalk treatments do not conform with the Federal Highway Administration's (FHWA) 2011 Official Ruling on the approved uses of colored treatments in crosswalks. According to a FHWA memorandum, crosswalk treatments should be subdued-colored treatments between the legally marked transverse crosswalk lines that are devoid of retroreflective properties and do not diminish the effectiveness of the required white transverse markings used to establish the crosswalk. Non-conforming types of decorative crosswalks may pose safety and liability issues since the design does not meet FHWA standards for crosswalk markings. As a result, caution must be exercised in considering the potential installation of non-standard crosswalks.

On June 19, 2019, Phoenix City Council adopted Ordinance S-45794, which allows the City of Phoenix (City) Street Transportation Department (Streets) to implement the Non-Standard Crosswalk Marking Program and these policies and procedures. The purpose of these is to ensure public safety and to provide standards for the implementation of non-standard crosswalks within the City.

The City is committed to maintaining safe transportation options to its residents and to resolve any challenges as the process evolves. As such, the City reserves the right to amend these

regulations as the City gathers information and identifies challenges.

A key to the program's success will be an open and productive partnership between the City and residents or groups wishing to install a non-standard crosswalk; working together to address community concerns about safety and impacts on members of the public who walk, bike or drive in Phoenix.

II. DEFINITIONS:

Applicant means the person, organization, or entity who applies for the installation of a Non-Standard Crosswalk.

City means the City of Phoenix.

III. APPLICATION:

To apply for installation of a Non-Standard Crosswalk, Applicant must complete and submit the attached application, a \$500.00 application fee, proposed design and all supporting documentation.

Applicant must submit completed applications to:

**City of Phoenix – Street Transportation Department
c/o Non-Standard Crosswalk Program
200 West Washington Street, 6th Floor
Phoenix, Arizona 85003-1611**

- The City will review the proposed design and perform a field review of the proposed location(s).
- Once the proposed design is conditionally approved by the City, Applicant will be notified.
- The City will send notification to all properties within 500' of the proposed non-standard crosswalk location. Any feedback received will be provided to the City Council during the approval process.
- Applicant must submit a final design on a scaled plan drawing with dimensions identifying existing pavement type.
- The final design plan and material specifications will be submitted to and receive pre-approval by the Street Transportation Director and final approval by the City Council prior to installation.

- Street Transportation department will issue a maintenance agreement to the requesting entity for signatures.
- Public notification and final payment will be processed prior to installation.

IV. LOCATIONS:

- The crosswalk must be at a location where there is an existing marked crosswalk and where a vehicle is already required to stop, either due to a traffic signal, HAWK, or stop sign.
- The crosswalk is recommended to be on a street with lower traffic volumes and widths of no more than five lanes. This will help extend the life of markings and limit overall square footage to reduce the cost.
- The pavement must be in good condition within 100-feet each direction of the proposed installation location. The area cannot be programed for any pavement treatment within the next two years.
- The existing crosswalk will be refreshed at the location as part of the installation. The standard crosswalk with two transverse stripes will have the gap set to 10' and a stop bar will be added at the location.
- An existing high visibility crosswalk, or ladder style crosswalk, cannot be converted to a standard crosswalk. If desired for the design, converting a standard crosswalk to a high visibility crosswalk will be considered on a case by case basis.

V. DESIGN:

- All designs shall be of solid colors or pattern of colors (not white) in-between the standard markings of the crosswalk.
- Images, graphics, text or logos are not allowed. Three dimensional designs are not allowed. Promotions of a private entity (commercial, advertising or other community organization) will also not be accepted.
- At a standard crosswalk, the design must be within the 10' gap between the two white standard markings. The design must include a 3-inch black margin (gap) between the standard crosswalk markings and any design elements.
- At a high visibility crosswalk or ladder style crosswalk, the design shall be a consistent color or pattern between each vertical bar. The design must include a 3-inch black margin (gap) between all the high visibility markings.
- Images that are deemed by the City to create a distraction or confusion to existing traffic signs will not be accepted.

- The design should contribute to the visual quality of the streetscape. For example, consider using a limited palette of colors and simple graphic images to avoid visual clutter. If original artwork is being created, a lead artist/designer should be responsible for designing the images.
- The design materials shall consist of preformed thermoplastic. The material shall provide a non-slip surface for pedestrians and be non-reflective.
- If more than one crosswalk has been identified for the intersection, artwork shall have consistency of style to create a unified aesthetic at the intersection.
- The City will have the final approval of all designs.

VI: COSTS:

- All costs associated with the installation for the crosswalk will be the responsibility of the Applicant - including refreshing the existing crosswalk, addition of a stop bar if needed, and traffic control.
- All installations will be performed only by City of Phoenix staff
- Costs for a typical crosswalk are approximately \$25-\$30/square foot dependent upon the length, design, and traffic control needed during installation. Quotes may be requested by the requesting entity prior to submittal of the application and fee.
- Complete payment must be made prior to installation.

VII: MAINTENANCE:

- All costs associated with the upkeep and maintenance of the crosswalk design will be the responsibility of the Applicant.
- All maintenance will be performed only by City of Phoenix staff
- Depending on the amount of vehicle traffic on the street, non-standard crosswalks can last up to five years.
- The City will notify the requestor when maintenance will be required, perform the maintenance and bill the requesting entity.
- If the requesting entity no longer wishes to maintain the non-standard crosswalk, the crosswalk will be restored to its original condition by City of Phoenix staff at the cost of the requesting entity and the maintenance agreement terminated.
- Replacement of Non-Standard Crosswalks damaged or removed as the result of street maintenance activities is the responsibility of the Applicant.



- Cost of replacement of Non-Standard Crosswalks due to utility work is the responsibility of the company requesting the utility work. All work will be performed by City of Phoenix staff.

Non-Standard Crosswalk Application

Date: _____

Applicant/Organization Name: _____

Address: _____

Phone No.: _____ Email: _____

If this is a neighborhood group, please provide name of group:

I have confirmed with Neighborhood Services Department that this is a registered Neighborhood Group.

Requested Crosswalk Location(s) (intersections):

1. _____ **And** _____

2. _____ **And** _____

3. _____ **And** _____

4. _____ **And** _____

5. _____ **And** _____

Please attach your proposed crosswalk design and submit with application and \$500 application fee.

Checks can be made out to City of Phoenix. Please put "Non-Standard Crosswalk Application" in the memo section

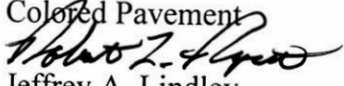


U.S. Department
of Transportation
Federal Highway
Administration

Memorandum

Subject: **INFORMATION:** MUTCD – Official
Ruling 3(09)-24(I) – Application of
Colored Pavement

Date: **AUG 15 2013**

From: 
Jeffrey A. Lindley
Associate Administrator for Operations

In Reply Refer To:
HOTO-1

To: Federal Lands Highway Division Engineers
Division Administrators

Purpose: Through this memorandum, the Federal Highway Administration's (FHWA) Office of Transportation Operations (HOTO) is issuing an Official Interpretation of Chapter 3G of the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD) on the approved uses of colored pavement. For recordkeeping purposes, this Official Ruling has been assigned the following number and title: "3(09)-24(I) – Application of Colored Pavement."

Background: The FHWA is concerned that considerable ambiguity continues regarding how colored pavement can be used, especially between the white transverse lines of a legally marked crosswalk.

Colored pavements consist of differently colored road paving materials, such as colored asphalt or concrete, or paint or other marking materials applied to the surface of a road or island to simulate a colored pavement. Colored pavement is a traffic control device when it attempts to communicate with any roadway user or when it incorporates retroreflective properties. Colored pavement can also be a purely aesthetic treatment. When used in this manner, colored pavement is not a traffic control device provided that it does not attempt to communicate with the motorist or incorporate elements of retroreflectorization.

Colored Pavement in Crosswalks: In the late 1990s, the marketplace introduced and promoted aesthetic treatments for urban streetscape environments that included the opportunity to install a range of colors and a multitude of patterns. The most popular opportunity to implement these treatments was between the legally marked transverse lines of crosswalks. This was typically done as part of larger efforts by cities to enhance the aesthetics of an area that could include decorative luminaires, street furniture, sidewalk art, etc. These crosswalk treatments were publicized and marketed as a method to increase conspicuity of the crosswalk that would translate into increased safety and a reduction of pedestrian deaths. In December 2001, the FHWA issued its first Official Ruling¹

¹ MUTCD Official Ruling 3-152 (I) as Memorandum of Action, December 7, 2001

regarding the use of these aesthetic treatments, which concluded that crosswalk enhancements of this type had no such discernible effect on safety or crash reduction.

The marketplace looked to capitalize on advancements in pavement retroreflectivity in the mid-2000s, and further advocated for these aesthetic treatments on public streets as a way to increase crosswalk visibility. This included the benefits of the increased recognition of crosswalks both during the day and at night since the materials were designing retroreflective properties into the aesthetic treatments. In 2004 and in 2005, the FHWA issued two separate but related Official Rulings^{2,3} concluding that incorporating retroreflectivity into an aesthetic crosswalk treatment renders it an official traffic control device. Further, these Official Rulings continued to discourage implementation of such treatments and also concluded that these enhancements still had no increased effect on safety or contributed to a reduction in pedestrian deaths.

The evolution of crosswalk treatments continued into the form of “crosswalk art” because it was becoming a common misconception that as long as the white transverse lines were present—thereby legally marking the crosswalk—then the agency was free to treat the interior portion of the crosswalk as it desired. In 2011, the FHWA issued an additional Official Ruling⁴ that crosswalk art—defined as any freeform design to draw attention to the crosswalk—would degrade the contrast of the white transverse lines against the composition of the pavement beneath it. In deviating from previous Official Rulings on the matter that concluded an increased factor of safety and decreased number of pedestrian deaths were not evident after installation, this 2011 Official Ruling stated that the use of crosswalk art is actually contrary to the goal of increased safety and most likely could be a contributing factor to a false sense of security for both motorists and pedestrians.

The FHWA’s position has always been, and continues to be that subdued-colored aesthetic treatments between the legally marked transverse crosswalk lines are permissible provided that they are devoid of retroreflective properties and that they do not diminish the effectiveness of the legally required white transverse pavement markings used to establish the crosswalk. Examples of acceptable treatments include brick lattice patterns, paving bricks, paving stones, setts, cobbles, or other resources designed to simulate such paving. Acceptable colors for these materials would be red, rust, brown, burgundy, clay, tan or similar earth tone equivalents. All elements of pattern and color for these treatments are to be uniform, consistent, repetitive, and expected so as not to be a source of distraction. No element of the aesthetic interior treatment is to be random or unsystematic. No element of the aesthetic interior treatment can implement pictographs, symbols, multiple color arrangements, etc., or can otherwise attempt to communicate with any roadway user.

Patterns or colors that degrade the contrast of the white transverse pavement markings establishing the crosswalk are to be avoided. Attempts to intensify this contrast by increasing or thickening the width of the transverse pavement markings have been observed in the field. These attempts to increase contrast are perceived to be efforts to circumvent the contrast prerequisite so that an intentional noncompliant alternative of an aesthetic interior pattern or color can be used. Further techniques to install an empty buffer

² MUTCD Official Ruling 3-169 (I) – Section 3B.19 Retroreflective Colored Pavement, September 1, 2004

³ MUTCD Official Ruling 3-178 (I) – Retroreflective Colored Pavement – Additional Clarification, April 27, 2005

⁴ MUTCD Official Ruling 3(09)–8 (I) – Colored Pavement Treatments in Crosswalks, May 3, 2011.

space between an aesthetic treatment and the interior edge of the white transverse crosswalk markings have also been observed in the field. This strategy is also perceived to be an attempt to circumvent FHWA's prior position on contrast. However, an empty buffer space between a subdued-colored, uniform-patterned aesthetic treatment can be implemented to enhance contrast between the aesthetic treatment and the white transverse pavement markings. When used properly, buffer spaces can be an effective tool to disseminate a necessary contrast in order to visually enhance an otherwise difficult to discern white transverse crosswalk marking, provided that the aesthetic treatment conforms to the conditions in the preceding paragraph.

Colored Pavement in Medians: Several agencies nationwide have used aesthetic colored pavement in medians that separate opposite directions of travel. These treatments are typically simulated red brick patterns or pavers. This is allowable if the median is closed to traffic. Where the center portion of the roadway functions to facilitate turns or operates as a two-way left turn lane, aesthetic treatments cannot be used in that center area in accordance with Paragraph 3 of Section 3G.01 in the MUTCD. Further, provisions elsewhere in Part 3 of the MUTCD require or recommend the turning functions of turn lanes or two-way left turn lanes to be marked with pavement word markings or arrows where applicable. The use of aesthetic colored patterns or pavers in these lanes simulates a supplemental background to standard turn markings and is an attempt to enhance conspicuity of the median thereby serving as communication with the motorist. This practice to use aesthetic treatments is disallowed since the median is open to traffic.

Colored Pavement for Islands: Where an island is designated as a traffic-control device, curbs, pavement edges, pavement markings, channelizing devices, or other devices are used. Islands are most commonly used to separate traffic movements or to provide pedestrian refuge. Regardless of whether the island is raised or flush with the roadway surface, islands are a potential for providing aesthetic qualities. Islands that separate movements of traffic and choose to incorporate colored pavement into interior sections or to the top surface of their design are to comply with Item A or B of Paragraph 3 of Section 3G.01. This would be applicable when the island is used to address a need to facilitate traffic that would otherwise have difficulty navigating the roadway if the island was absent.

Islands that are intentionally aesthetic in nature only are to be designed similar to those aesthetic treatments for crosswalks as described above. The most common applications of these purely aesthetic treatments are pedestrian refuge islands and textured raised buffers between a bikeway and a motorized vehicular lane.

Colored Pavement for Bicycle Lanes: Green colored pavement is approved for use in bicycle lanes only to enhance the conspicuity of where bicyclists are required to operate, and areas of the bicycle lane where bicyclists and other roadway traffic might have potentially conflicting weaving or crossing movements. Approval to use green colored pavement shall be in accordance with Paragraph 17 of Section 1A.10 in the 2009 MUTCD.

The FHWA issued an Interim Approval (IA-14) for the use and application of green colored pavement on April 15, 2011. The information provided in the IA-14 memorandum remains in effect.

The use of green colored pavement in a bicycle facility other than a legally marked bicycle lane is either not approved or is experimental. FHWA's Bicycle and Pedestrian Web site (http://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design_guidance/mutcd_bike.cfm) can be helpful in determining what is or is not approved and what is experimental. Agencies that desire to use bicycle facilities that are experimental are required to submit their request for approval in accordance with paragraphs 3, 4 and 8 through 10 of Section 1A.10 in the MUTCD.

The FHWA is aware that agencies might be using green colored pavement to supplement, fill in or outline parking stalls for electric vehicle charging stations in order to express the agency's commitment to environmentally friendly initiatives. Use of green colored pavement for this purpose is not allowed. Although the applicability of the MUTCD may be limited in certain settings involving parking stalls, agencies are encouraged to adhere to the MUTCD with respect to disallowing green colored pavement in parking facilities for the purpose of maintaining uniformity among similar facilities.

Colored Pavement on Freeways and Expressways: The FHWA is aware of agencies nationwide using colored pavement on higher speed facilities as a method to visually differentiate the shoulder or special-use lanes from the general-purpose lanes, to demarcate the exit gore area, or to differentiate a ramp terminal from the mainline facility. The FHWA maintains the position that contrasting techniques on high-speed facilities have no other intention than to communicate with the motorist, regardless of whether elements of retroreflectivity are implemented for the colored pavement.

Additionally, the 2011 edition of the American Association of State Highway and Transportation Officials' *A Policy on the Geometric Design of Highways and Streets* discusses various methods of contrasting the shoulder with the adjacent pavement traveled way. The policy states that with regard to bituminous pavements, "the use of edge lines as described in the Manual on Uniform Traffic Control Devices... reduces the need for shoulder contrast." Edge lines separating shoulders from the traveled way on Interstate routes have been required by the MUTCD since 1971, supplanting the practice of using contrasting material for shoulders when an edge line was optional. Therefore, there should be little need for such a contrast that cannot be accommodated by the allowable pavement colors prescribed by the MUTCD.

If a need to provide contrast on a high-speed facility has been determined, then that contrast can be accomplished by a number of alternatives. Asphalt mixtures can be tinted to provide a shade of grey. White colored pavement can also be implemented. Paragraph 3 of Section 3G.01 in the MUTCD allows the use of white colored pavement for exit gore areas and right-hand shoulders. In the event that the main traveled way is concrete, an asphalt top layer could be applied to the shoulder to provide contrast.

Colored Pavement for Public Transit Systems: The use of red colored pavement for public transit systems such as streetcar and/or bus-only lanes is currently experimental. The use of colored pavement in these settings requires approval from the FHWA's Office of Transportation Operations. Agencies that desire to experiment with colored pavement should only do so where an engineering study can determine that increased travel speeds will be expected by the public transit vehicle, reduced overall service time through the corridor will be expected by the public transit vehicle, and the implementation of the

colored pavement to a converted general purpose lane in the traveled way will not adversely affect the traffic flow in the remaining general purpose lanes.

Blue Colored Pavement: Blue is not a colored pavement and is not to be used as such in accordance with Paragraph 3 of Section 3G.01. Blue as it applies to a pavement marking is exclusively reserved for the background color in the international symbol of accessibility parking symbol (see Figure 3B-22) and for the supplemental pavement marking lines that define legal parking spaces reserved for use only by persons with disabilities as provided in Paragraph 5 of Section 3A.05.

Applying blue colored pavement to entire stalls or entire areas of parking reserved for persons with disabilities is to be avoided. Although the applicability of the MUTCD may be limited in certain settings involving parking stalls, agencies are encouraged to adhere to the MUTCD with respect to blue colored pavement in parking facilities for the purpose of maintaining uniformity among similar facilities.

Purple Colored Pavement: Purple is not approved for use as a colored pavement in any application, including toll facility environments. Purple as a pavement marking color is permitted in accordance with Paragraphs 5 and 6 of Section 3E.01 of the MUTCD.

Chromaticity Coordinates: The acceptable ranges of chromaticity coordinates that define the standard colors for pavement markings are found in the Appendix to Subpart F of 23 CFR 655—Alternate Method of Determining the Color of Retroreflective Sign Materials and Pavement Marking Materials.

Acceptable ranges for the chromaticity coordinates defining the color green for use as a pavement marking are provided in the IA-14 memo dated April 15, 2011.

Conclusion: Chapter 3G of the 2009 MUTCD contains provisions regarding the use of colored pavements. If colored pavement is used to regulate, warn, or guide traffic or otherwise attempts to communicate with the roadway user, the colored pavement constitutes a traffic control device. Agencies cannot intentionally exclude elements of retroreflectivity as part of a systematic process to classify the color pavement as a purely aesthetic treatment in order to circumvent the provisions of Chapter 3G.

Paragraph 3 of Section 3G.01 in the MUTCD limits the use of colored pavement used as a traffic control device to the colors yellow and white. Interim Approval IA-14 permits the use of green colored pavement for marked bicycle lanes. All other colors for use on highway pavement in the right-of-way are either disallowed or are experimental as described above, unless the colored pavement is a purely aesthetic treatment and makes no discernible attempt to communicate with a roadway user.

cc:

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