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DRAFT

PIMA COUNTY ORDINANCE NO. 2013-XXX

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO SEWERAGE AND SEWAGE DISPOSAL; REGULATING INDUSTRIAL WASTEWATER DISCHARGES; PROVIDING PERMITTING AND PERMIT FEES; AMENDING ORDINANCE NO 1982-154, AS AMENDED BY ORDINANCE NO. 1983-5, AS AMENDED BY ORDINANCE NO. 1984-169, AS AMENDED BY 1991-140, AS AMENDED BY ORDINANCE NO. 2012-XXX.

BE IT ORDAINED BY THE PIMA COUNTY BOARD OF SUPERVISORS THAT PIMA COUNTY ORDINANCE NO. 1991-140 IS AMENDED AS FOLLOWS:

**ARTICLE I GENERAL PROVISIONS**

**13.36.010 Purpose and Authority**

The purpose of this Chapter is to manage the acceptance of industrial Wastewater into the sewerage system to provide for the protection of Pima County's sanitary system and the process being utilized; groundwater resources; effluent; surface water resources; Wastewater sludge disposal methods; and operating personnel through adequate regulation of industrial Wastewater Discharges including septage.

This regulation is accomplished in compliance with a Publicly Owned Treatment Works (POTW) Pretreatment program mandated by the Arizona Pollutant Discharge Elimination System (AZPDES) permits issued by the Arizona Department of Environmental Quality (ADEQ) to Pima County in conformity with Arizona Administrative Code (AAC) R18-9-A905(A)(3)(d) adopting by reference 40 CFR § 122.44.j, Arizona Revised Statutes (ARS) § 49-391 and the Clean Water Act (CWA), Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500; 86 Stat. 816; 33 United States Code Sections 1251 through 1376); and AAC R18-9-A905(7) and R18-9-A906.

It applies to all Users discharging non-Domestic Wastewater to the POTW.

### **13.36.020 Title of Ordinance**

The Ordinance codified in this Chapter shall be known as the “Industrial Wastewater Ordinance.”

### **13.36.030 Administration**

The Director of the Pima County Regional Wastewater Reclamation Department (RWRD) shall administer, implement and enforce the provisions of the Industrial Wastewater Ordinance.

### **13.36.035 Incorporation by Reference**

The Pima County Industrial Wastewater Ordinance codified in this Chapter incorporates the federal Categorical Pretreatment Standards codified at 40 CFR § 403.6 and § 405 through 471 adopted by reference in AAC R18-9-A905(A)(8)(b) and R18-9-A905(A)(9).

## **ARTICLE II DEFINITIONS**

### **13.36.040 Definitions**

Terms as used in this Chapter mean:

- A. Act or “the Act”:** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.
- B. Authorized Representative:** A person is a duly Authorized Representative only if:
  - 1. The authorization is made in writing by a person described in Section 13.36.110(A)(5); and
  - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as plant manager, Operator of a well, a well field superintendent, or a position of equivalent responsibility for environmental matters for the User. (A duly Authorized Representative may thus be either a named individual or any individual occupying a named position.)
- C. Best Management Practices (BMPs):** BMPs include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 13.36.050 and § 13.36.060. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BMPs related to food service facilities are outlined in the Grease Management Program (13.36.440).

- D. Biosolids:** Sewage sludge, also known as biosolids, is the solid material separated during treatment at a domestic or municipal Wastewater treatment plant and treated to stabilize and reduce pathogens.
- E. Blowdown:** The minimum Discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentration in amounts exceeding established limits.
- F. Bypass:** The intentional diversion of a wastestream from any portion of a treatment facility.
- G. Categorical Pretreatment Standard or Categorical Standard:** Any regulations defining pollutants or setting pollutant Discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Clean Water Act (33 U.S.C. Section § 1317), that apply to specific categories of Users (40 CFR § 403.6 and 405 – 471) adopted by reference in AAC R18-9-A905(A)(8)(b) and R18-9-A905(A)(9). This term includes prohibitive Discharge standards under 40 CFR § 403.5, including local limits 40 CFR § 403.5(d).
- H. Compliance Schedule:** Increments of progress, in the form of dates, for the commencement or completion of major events leading to the construction and operation of Pretreatment facilities.
- I. Composite Sample:** A combination of no fewer than four individual samples obtained at equal time intervals for 24 hours or for the duration of the Discharge, whichever is shorter. In the case of a batch Discharge with flow duration of less than 15 minutes, a single Grab Sample will meet the intent of a Composite Sample.
- J. Days:** Any specific reference to a number of days shall be calendar days unless otherwise specified.
- K. Department:** The Pima County Regional Wastewater Reclamation Department (RWRD).
- L. Director:** The Director of the Pima County Regional Wastewater Reclamation Department or the Director's designated representative.
- M. Discharge:** The intentional or unintentional release of a substance into the POTW.
- N. Discharge Limit:** A limit on the amount or concentration of a regulated waste that is Discharged to the POTW.
- O. Domestic User:** Any person who Discharges only Domestic Wastewater.

- P. Domestic Wastewater:** Any water-borne wastes, derived from the ordinary living processes in a residential dwelling unit, of such character as to permit satisfactory disposal without special treatment by conventional POTW processes.
- Q. Existing Source:** A source that is not a New Source or a new indirect Discharger.
- R. Fats, Oils and Grease (FOG):** A polar material either liquid or solid composed primarily of fat, oil and grease from animal or vegetable origin. The terms oils and grease, and oil and grease substances shall be included in this definition.
- S. Food Service Facility:** Any facility that prepares or packages food or beverages for sale or consumption on or off-site, with the exception of private residences. The term Food Service Facility includes, but is not limited to: restaurants, bakeries, grocery stores, cafeterias, food courts, food manufacturers, food packagers, bars, lounges, hotels, movie theaters, sororities, fraternities, social clubs, private clubs, and schools.
- T. Grab Sample (Discrete):** An individual sample collected over a period of time not to exceed 15 minutes.
- U. Gravity Grease Interceptor (GGI):** A device that is installed in a sanitary drainage system to intercept nonpetroleum Fats, Oils, and Grease from a Wastewater Discharge and is identified by volume, a minimum 30-minute retention time, baffle(s), a minimum of two compartments, a minimum total volume of 300 gallons, and gravity separation.
- V. Hazardous Substance:** Any substance meeting the definition of “hazardous substance” found in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) § 101(14) (42 U.S.C. 9601(14) 1980) including but not limited to, those substances listed at 40 CFR § 300.5 (1990).
- W. Hazardous Waste:** A Hazardous Waste as defined in 40 CFR § 261.3.
- X. Hydromechanical Grease Interceptor (HGI):** A device that is installed in a sanitary drainage system to intercept nonpetroleum Fats, Oils, and Grease from a Wastewater Discharge and is identified by flow rate, separation and retention efficiency. The design incorporates air entrainment, hydromechanical separation, interior baffling, and/or barriers in combination or separately, and one of the following: external flow control with air intake (vent) directly connected; external flow control without air intake (vent) directly connected; without external flow control directly connected; and without external flow control indirectly connected.
- Y. Indirect Discharge:** The introduction of pollutants into the POTW by any non-domestic source.

- Z. Industrial User:** A source of indirect Discharge, the introduction of pollutants into the POTW by any non-domestic source.
- AA. Industrial Wastewater:** Wastewater generated in a commercial or industrial process.
- BB. Industrial Wastewater Discharge Permit:** An individual control mechanism, authorization letter, or contract issued by the Director, which allows a Discharge into the POTW of industrial Wastewater.
- CC. Interference:** A Discharge which, alone or in conjunction with a Discharge or Discharges from other sources, both:
1. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
  2. Therefore is a cause of a violation of any requirement of the POTW's AZPDES permit, including an increase in the magnitude or duration of a violation or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued hereunder (or more stringent State or local regulations): § 405 of the Clean Water Act, the Solid Waste Disposal Act, Clean Air Act, Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- DD. Liquid Waste Hauler:** Any person carrying on or engaging in the vehicular transport of Wastewater or wastes as part of, or incidental to, any business for the purpose of discharging such waste into the POTW.
- EE. New Source:**
1. Any building, structure, facility, or installation from which there is (or may be) a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that Section, provided that:
    - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of pollutants at an Existing Source; or
    - c. The production or Wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these sources are substantially independent, factors such as the extent to which the new facility is integrated with the existing facility, and the extent to which the new facility is engaged in the

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

2. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a New Source as defined under this paragraph has commenced if the Owner or Operator has:
  - a. Begun, or caused to begin, as part of a continuous onsite construction program
    - (i) any placement, assembly, or installation of facilities or equipment; or
    - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment;
  - or
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

**FF. Oil and Sand Interceptor:** A tank designed to intercept and collect sand, grit, petroleum, oil, and grease, and prevent their entry into the sanitary sewer system.

**GG. Operator:** A person who operates a business and therefore controls the operation and indirect Discharge.

**HH. Owner:** The property or business Owner.

**II. Pass Through:** A Discharge that exits the POTW into Waters of the United States in quantities or concentrations that, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a violation of any requirement of the POTW's AZPDES permit, including an increase in the magnitude or duration of a violation.

**JJ. Person:** An individual, firm, company, association, partnership, corporation, joint stock company, trust, estate, municipality, State or Federal agency, or an agent or employee thereof.

**KK. Petroleum, Oil and Grease (POG):** A nonpolar material either liquid or solid and is composed primarily of petroleum or mineral origin.

- LL. Pollutant:** Something that causes pollution, including but not limited to: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste, pesticides, and certain characteristics of Wastewater (pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor) Discharged into the POTW.
- MM. Pollution:** The man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.
- NN. Pretreatment:** The reduction of the amount of industrial Wastewater, the elimination of industrial Wastewater, or the alteration of the nature of industrial Wastewater properties in Wastewater prior to or in lieu of discharging or otherwise introducing such waste into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except by dilution as a substitute for Pretreatment.
- OO. Pretreatment Standards or Standards:** Pretreatment Standards shall mean prohibited Discharge standards, categorical Pretreatment Standards, and Local Limits.
- PP. Publicly Owned Treatment Works (POTW):** All of the Wastewater collection, treatment, and disposal systems that are owned, operated or contracted in part or in whole by Pima County, Arizona.
- QQ. Representative Sample:** A sample portion of material or wastestream that is as nearly identical in content and consistency as possible to that in the material or industrial Wastewater being sampled.
- RR. Satellite Collection System:** Any upstream collection system under the ownership and operational control of a separate jurisdictional government agency or Native American Nation.
- SS. Septage:** An anaerobic Wastewater originating from a residential, commercial, or industrial facility that is not a Hazardous Waste and is compatible with the biological Wastewater treatment plant process.
- TT. Septage Discharge Permit:** An individual control mechanism, authorization letter, or contract issued by the Director, which allows a Discharge into the POTW of septage.
- UU. Significant Industrial User:** Except as provided for in paragraphs 2 and 3 of this Section:
- (1) An Industrial User that:

- a. Is subject to Categorical Pretreatment Standards;
  - b. Discharges an average of 25,000 gallons per day or more of process Wastewaters (excluding sanitary, non-contact cooling and boiler blowdown Wastewater);
  - c. Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW; or,
  - d. Has a potential for adversely affecting the POTW's operation or for violating any Pretreatment standard or requirement (in accordance with 40 CFR § 403.8(f)(6).
- (2) The Director may determine that an Industrial User subject to Categorical Pretreatment Standards under § 403.6 and 40 CFR Chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never Discharges more than 100 gallons per day (gpd) of total categorical Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater unless specifically included in the Pretreatment standard) and the following conditions are met:
- a. The Industrial User, prior to the Director's finding, has consistently complied with all applicable Pretreatment standards and requirements;
  - b. The Industrial User annually submits the certification statement required in 40 CFR § 403.12(q) together with any additional information necessary to support the certification statement; and,
  - c. The Industrial User never Discharges any untreated concentrated Wastewater.
- (3) Upon finding that a User meeting the criteria in subSection (1)(b) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment standard or requirement, the Director may at any time, on the Director's own initiative or in response to a petition received from an Industrial User, and in accordance with the procedures in 40 CFR § 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

**VV. Significant Noncompliance:** An Industrial User is in Significant Noncompliance if its violation meets 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 the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined in 40 CFR § 403.3(l);
- b. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits as defined in 40 CFR § 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, and FOG, and 1.2 for all other pollutants except pH);
- c. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR § 403.3(l) (daily maximum, longer-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 human health, welfare or the environment or has resulted in the Director's exercise of emergency authority under Chapter 13.36.195 of this Article 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 local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide, within 45 days after due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with Compliance Schedules;
- g. Failure to accurately report noncompliance;
- h. Any other violation or group of violations, which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local Pretreatment program.

**WW. Slug Load:** Any industrial Wastewater Discharged at a volume or concentration that will cause Interference or Upset of the POTW; any sample, the concentration of which exceeds five times the allowable Discharge limitation; or any Discharge of a

nonroutine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch Discharge.

- XX. Solid Waste:** any garbage, or refuse, sludge from a Wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial Discharges that are point sources subject to permit under 33 U.S.C. 1342, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).
- YY. Source:** Any building, structure, facility, or installation from which there is or may be a Discharge of pollutants.
- ZZ. Spill Protection Facilities:** A physical barrier that provides protection from accidental Discharge or spill into the POTW of prohibited, hazardous, or other industrial Wastewaters that are regulated through this Ordinance.
- AAA. Toxic Pollutant:** Any pollutant listed as toxic under § 307(a)(1) of the CWA of 1977, 40 CFR 122.2 definitions, or, in the case of “sludge use or disposal practice,” any pollutant identified in regulations implementing § 405(b) of the CWA.
- BBB. Upset:** An exceptional incident in which there is unintentional and temporary noncompliance with Discharge limits because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, and lack of preventive maintenance or careless or improper operation.
- CCC. User:** An Industrial User or a Significant Industrial User.
- DDD. Wastewater:** The liquid and water-carried industrial or domestic waste from dwellings, commercial establishment, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- EEE. Wastewater Sludge:** The solids or semisolids, residues, and precipitate separated from or created in Wastewater.

### **Article III Regulated Wastes**

#### **13.36.050 General Prohibitions**

- A. No person shall Discharge or cause to be Discharged to any sewer that directly or indirectly connects to the POTW, any waste which:
1. may have an adverse or harmful effect on the POTW, POTW personnel or equipment, POTW effluent quality, or public or private property;
  2. may otherwise endanger the public, the environment or create a public nuisance;
  3. exceeds limitations as set by this Chapter or the Director;
  4. causes the POTW to violate state or federal regulations or permits.

These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment standards or requirements.

- B. Prohibited wastes described in this Article shall not be Discharged to the POTW. Included within the prohibition is the Discharge of any wastes that adversely affect water reclamation, water reuse, sludge disposal, or air quality.
- C. The Director, in determining the acceptability of specific wastes, shall consider the nature of the waste and the adequacy and nature of the collection, treatment and disposal system available to accept the waste.
- D. The Director may establish Discharge Limitations for Industrial Users that have a reasonable potential to degrade Wastewater quality to the level that it prevents or inhibits the POTW's efforts to reclaim the water, for sludge disposal, or causes any unusual operation or maintenance problems in the POTW.
- E. The Director may grant a variance from this Ordinance for any technological standard as outlined in 13.36.075.

### **13.36.060 Prohibited Wastes**

Except as provided elsewhere in this Article, prohibited wastes shall include:

- A. Industrial Wastewater that may be adverse or harmful to the POTW, the sewerage conveyance system, POTW personnel, POTW equipment, or POTW effluent quality, including, but not limited to:
1. Any gasoline, benzene, naphtha, solvent, fuel oil or any other liquids, solids, or gases which may create or tend to create a fire or explosion hazard in the POTW, or may be injurious in any other way to the POTW, including, but not limited to, wastestreams with a closed cup flash point of less than 140° F using the test method specified in 40 CFR § 261.21;

2. Any solids or viscous substances of such size or in such quantities that they may cause obstruction to flow in the sewer or be detrimental to POTW operations. These objectionable substances include, but are not limited to, asphalt, dead animals, ashes, sand, mud, straw, industrial process shavings, metal, glass, rags, feathers, grass clippings, tar, plastic resins, wood, blood, manure, grease, bones, hair, fleshings, entrails, paper cups, paper dishes, milk cartons or other similar paper products, either whole or ground;
3. Any amounts of petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that would cause or tend to cause Interference or Pass Through;
4. Any biodegradable fats, oils, or greases, such as lard, tallow or vegetable oil, in concentrations that may cause adverse effects on the POTW;
5. Any wastes containing a concentration in excess of the Discharge limitations specified in Chapter 13.36.070 or in any permit;
6. Any waste in such concentration or volume that is toxic to humans, animals, and the local environment or to biological Wastewater treatment processes or which causes Interference, Upset, or pass-through at the POTW;
7. Any waste having a pH lower than 5.0 or greater than 11 standard units; or which causes incrustations, scale, or precipitates on sewer walls; or having any corrosive or detrimental characteristics that may cause injury to the POTW or service and maintenance personnel;
8. Any waste having a temperature of 140° F or higher at the Discharge point, or which causes the POTW influent to exceed 104° F;
9. Any waste containing substances that may precipitate, solidify, gel, polymerize, or become viscous under conditions normally found in the sewerage system, causing reduced capacity;
10. Any waste producing discoloration of treatment plant effluent, which may violate water quality standards;
11. Any solid waste, other than that normally found in Domestic Wastewater, that is not ground sufficiently to pass through a 3/8-inch mesh screen;
12. Any waste containing detergents, surface active agents, or other substances, which may cause excessive foaming in the sewerage system;

13. Any sludge from a water or Wastewater treatment plant not owned or operated by Pima County Regional Wastewater Reclamation Department. The Director may issue an Industrial Wastewater Discharge Permit for a User to Discharge this substance upon a finding that the Discharge will not adversely affect the operation of the POTW and that the pollutant concentrations do not exceed those in the sludge produced by the POTW. No such permit shall be issued that would violate any other Federal, State or local rule, regulation or standards;
  14. Any Hazardous Wastes Discharged to any portion of the POTW by truck, rail or dedicated pipeline;
  15. Any trucked or hauled pollutants except at Discharge points designated within the POTW by the Director, or Septage Receiving Facility;
  16. Any Slug Load; or,
  17. Pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which, either alone or in combination with other pollutants, may cause Interference with the POTW.
- B. Industrial Wastewater which may be dangerous to the public, the environment, or which creates a public nuisance, including, but not limited to:
1. Any excessive quantities of radioactive materials;
  2. Any waste containing toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other waste substances, may create a hazard for humans, animals, or the local environment; interfere detrimentally with Wastewater treatment processes; cause a public nuisance; or cause any condition requiring emergency response in the POTW;
  3. Any pollutants which can result in the formation or presence of toxic gases, vapors, or fumes within the POTW that may cause or tend to cause worker health and safety problems;
  4. Any strongly odorous waste or waste tending to create odors;
  5. Any industrial Wastewater in such concentration or volume that may cause failure in effluent toxicity testing; or,
  6. Any recognizable portions of the human anatomy.

C. Industrial Wastewater that may cause dilution or POTW hydraulic loading problems, including, but not limited to:

1. Any water added for the purpose of diluting wastes which would otherwise exceed maximum concentration limits;
2. Any rainwater, stormwater runoff, groundwater, street drainage, roof drainage, yard drainage, water from yard fountains, ponds, lawn sprays or uncontaminated water;
3. Any deionized water, steam condensate or distilled water in amounts which could cause problems with hydraulic loading;
4. Any blowdown or bleed water from heating, ventilating, air conditioning or other evaporative systems exceeding one-third of the makeup water in a 24-hour period; or,
5. Any single pass cooling or heating water.

#### 13.36.070 Discharge Limits

The amount and nature of allowable Discharges will be specified in the permit, and the characteristics of any Discharge shall not exceed those specified in this Article.

1. Discharge Limits for Regulated Substances - Composite Sample:

	<b>Substance</b>	<b>Limit (mg/l)</b>
a.	Arsenic – Total	0.4
b.	Barium – Total	10.0
c.	Boron – Total	5.0
d.	Cadmium – Total	0.10
e.	Chromium – Total	1.20
f.	Copper – Total	1.2
g.	Lead – Total	0.5
h.	Manganese – Total	83.0
i.	Mercury – Total	0.05
j.	Nickel – Total	3.98
k.	Silver – Total	5.0

	<b>Substance</b>	<b>Limit (mg/l)</b>
l.	Zinc – Total	2.6
m.	Cyanide – Total	0.6
n.	Selenium – Total	0.5
o.	Oil and Grease	200 <sup>1</sup>
p.	Sulfide – Total	2.0 <sup>1</sup>
q.	Chlorine – Total	10.0 <sup>1</sup>
<sup>1</sup>	Based on a Grab Sample	

2. Discharge Limits Based Upon Fume Toxicity (mg/l):  
(based on Grab Samples.)

	<b>Compound</b>	<b>Limit (mg/l)</b>
a.	Acrylonitrile	1.24
b.	Benzene	0.13
c.	Bromomethane	0.002
d.	Carbon disulfide	0.06
e.	Carbon tetrachloride	0.03
f.	Chlorobenzene	2.35
g.	Chloroethane	0.42
h.	Chloroform	0.42
i.	Methylchloride (Chloromethane)	0.007
j.	1,2-Dichlorobenzene	3.74
k.	1,4-Dichlorobenzene	3.54
l.	1,1-Dichloroethane	4.58
m.	1,2-trans-Dichloroethene	0.28
n.	1,2-Dichloropropene	3.65
o.	1,3-Dichloropropene	0.09

	<b>Compound</b>	<b>Limit (mg/l)</b>
p.	Ethylbenzene	1.59
q.	1,2-dichloroethane (Ethylene dichloride)	1.05
r.	Heptachlor	0.003
s.	Hexachloro-1,3-butadiene	0.0002
t.	Hexachloroethane	0.96
u.	Methyl ethyl ketone (2-butanone) (MEK)	249.0
v.	Methylene chloride (Dichloromethane)	4.15
w.	Tetrachloroethylene	0.53
x.	Toluene	1.35
y.	1,2,4-Trichlorobenzene	0.43
z.	1,1,1-Trichloroethane	1.55
aa.	Trichloroethylene	0.71
bb.	Vinyl chloride	0.003
cc.	1,1-dichloroethylene (Vinylidene chloride)	0.003
dd.	Aroclor 1242	0.01
ee.	Aroclor 1254	0.005

### **13.36.075 Variances**

The Director may allow variances in this Ordinance when strict adherence would less adequately provide for the protection of the POTW. The variance shall secure substantially the objectives of the portion of the Ordinance to which the variance is granted. Variances may be allowed when:

- A. A substitution for or change in a standard material results in the use of a material which can be clearly demonstrated to be of equal or superior quality;
- B. A strict adherence to a design standard or standard details would be impractical or impossible because of field conditions such as existing utility facilities or incompatible existing sewerage facilities; or

- C. An emergency situation prohibits strict adherence to a design standard or standard detail.

### **13.36.080 Additional Discharge Limits**

- A. Quantitative or other limitations intended for application to general Users and not for inclusion only on individual permits, shall be proposed to the Board of Supervisors by the Director after a public hearing. The Director shall provide notification at least 45 days prior to the public hearing by publication in a newspaper of general circulation in Pima County and by a written notice to any person who has filed a request for notification with the Director. The notice shall contain a brief description of the nature of the proposal to be considered, the time and place of the hearings, and the projected date that a proposal shall be made to the Board of Supervisors for approval of Discharge limits.
- B. When the Director determines that a User is discharging to the POTW any waste not previously identified as prohibited in such amounts as may interfere, Pass Through, or Upset the operation of the POTW, the Director shall: (1) advise the User of the impact of the contribution on the POTW; (2) develop a Discharge limitation for such User to correct the Interference with the POTW; and (3) require the User to comply with the Discharge limits.

### **13.36.090 Health Care Related Wastes**

- A. Regulated Facilities  
Hospitals, clinics, offices of medical doctors, mortuaries, morgues and long-term health care facilities:
  - 1. May Discharge through a grinder installation after Director approval as a condition of the Industrial Discharge Permit. The installation will have inlet size and design features suitable for its intended use and constructed so that all particles pass through a maximum 3/8-inch mesh opening;
  - 2. Shall not Discharge to the sewer by any means:
    - a. Solid wastes generated in the rooms of patients who are isolated because of a suspected or diagnosed communicable disease;
    - b. Recognizable portions of the human anatomy;
    - c. Equipment, instruments, utensils and other materials of a disposable nature that may harbor or transmit pathogenic organisms and that are used in the rooms of patients having a suspected or diagnosed communicable disease which by the

nature of the disease is required to be isolated by public health agencies;

- d. Wastes excluded by other provisions of this Chapter.

B. Limit of Authority

Nothing in this Section shall be construed to limit the authority of the Pima County Department of Environmental Quality, Pima County Health Department or other health authorities to define wastes as being infectious and, with the concurrence of the Director, to require that they will not be Discharged to the POTW.

C. Dental Facilities

Dental facilities are exempted from the requirement to obtain an Industrial Wastewater Discharge Permit as long as Best Management Practices are implemented to control Mercury bearing wastestreams including but not limited to the use of an amalgam separator; staff training on amalgam waste handling, management and disposal; and vacuum system/amalgam separator maintenance recordkeeping.

**13.36.100 Septage Disposal**

A. Approval to Discharge

1. No hauler shall Discharge septage to the POTW without first obtaining a Septage Discharge Permit.
2. Haulers of septage will Discharge at the Pima County Regional Wastewater Reclamation Facility site designated in their Permit.

B. Discharge Requirements

1. The hauler shall use the POTW Septage Tracking Form specified in the permit to record each load that is delivered to the POTW.
2. Prior to Discharge of septage, the hauler shall allow the Director to sample and analyze the contents to ensure compliance with Discharge limits and requirements. The hauler shall provide a suitable sampling tap or equivalent appurtenance. The hauler may be required to suspend discharging septage until the analysis is complete. The Director shall refuse authorization to Discharge any septage that does not provide for the protection of the POTW, groundwater resources, effluent and Wastewater sludge disposal methods, and operating personnel.

C. Sanitation and Safety Standards

It shall be the responsibility of the hauler to Discharge wastes in such a manner as to keep the area clean and free from spills or other debris. All spills shall be promptly cleaned up.

D. General Requirements and Applicability

1. The hauler is responsible for protecting the POTW by ensuring that the hauled septage is not Hazardous Waste and is compatible with the biological Wastewater treatment process.
2. All requirements listed here are in addition to any other rule or regulation established by Pima County Health Department, Pima County Department of Environmental Quality, or State or Federal regulatory agencies.

E. Septage Discharge Permit Application

1. A Septage Discharge Permit is required to Discharge hauled septage waste into the POTW.
2. The permit application, or reapplication, shall contain at least the following information:
  - a. A completed Septage Discharge Permit Application/Questionnaire form signed and dated by a person described in Section 13.36.110(A)(5) or by a duly Authorized Representative of that person;
  - b. Type of Waste Sources Serviced: Domestic/Commercial, Industrial, Septic Tank, Cesspool, Chemical Toilet, Airline Sewage Cart, or Grease Traps;
  - c. Vehicle information including year, make, model, license plate and tank capacity information for each vehicle in the fleet that will be carrying septage to the Septage Receiving Station.
3. The Application fee for a Septage Wastewater Discharge Permit application is \$150.00. Fees shall be paid to Pima County Regional Wastewater Reclamation Department at the time of application.
4. The Director may require the submittal of other information to assist in the determination of permit requirements.

5. The Director shall issue a written or electronic notice of administrative completeness or deficiencies to a permit applicant within 15 business days. If the Director determines that the application is not administratively complete, the Director shall include a comprehensive list of the specific deficiencies. The administrative completeness review time frame and the overall time frame are suspended from the date the notice is issued until the date the Director receives the missing information from the applicant. The Director may issue an additional written or electronic notice of administrative completeness or deficiencies based on the applicant's submission of missing information. Once the application is administratively complete, the substantive review time frame begins and the Director shall respond to permit applications within 30 business days of receipt of a completed permit application. During the substantive review time frame, the Director may make one comprehensive written or electronic request for additional information. The substantive review time frame and overall time frame are suspended from the date the request is issued until the date that the county receives the additional information from the applicant. The total overall timeframe for the permit application process shall be 45 business days not counting time response time by the applicant. By mutual written or electronic agreement, the Director and an applicant for a permit may extend the substantive review time frame and the overall time frame. An extension of the substantive review time frame and the overall time frame may not exceed twenty-five per cent of the overall time frame.
6. All Users shall reply to the Director and submit any permit application or questionnaire forms and any other related lists, plans, analyses, flow information or other materials, as requested by the Director, within 30 days of receipt of any such forms or requests unless given an extension by the Director.
7. Permit decisions may be appealed to the Director by responding in writing to the Director within 33 days of the issuance of the Permit decision. The Appeal should include a detailed description of the portion of the permit and/or permit decision the applicant is appealing and their justification for the requested revision of the permit. The Director shall respond to the Applicant in writing within 30 business days.
8. Subsequent to an appeal to the Director, an appeal may be made to the Board of Supervisors by filing a request with the Clerk of the Board of Supervisors in the event that satisfactory resolution of permit application decisions is not agreed upon.

#### **Article IV Industrial Wastewater Discharge Permit Application and Requirements**

### 13.36.110 Industrial Wastewater Discharge Permit Application

- A. A permit is required to Discharge industrial Wastewater.
1. No person shall Discharge or cause to be Discharged any industrial Wastewater directly or indirectly to the POTW without first obtaining an Industrial Wastewater Discharge Permit or an authorization letter. The Director shall set requirements at least as stringent as applicable State or Federal rules, regulations or Pretreatment standards.
  2. A permit shall be required for all Food Service Facilities, except those that were built in accordance with previously adopted editions of a Plumbing Code and those that install and maintain an appropriate Pretreatment device and implement the Best Management Practices Program as outlined in Article XIV of this Ordinance. Facilities shall be responsible for ensuring that the Discharges from their operations are in compliance with the provisions set forth in this Ordinance. Any Food Service Facility found to be in violation with any part of this Ordinance may be required to obtain an Industrial Wastewater Discharge Permit and correct the deficiencies.
  3. The Director may require a separate permit for each connection to the POTW.
  4. The Director may require a separate permit from each tenant as well as the Owner or manager of any multi-tenant property, including, but not limited to: shopping centers, medical centers, and industrial or commercial parks.
  5. All permit applications shall be signed as follows:
    - a. For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:
      - i. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
      - ii. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations; to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; to ensure that the

necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and to whom authority to sign documents has been assigned or delegated in accordance with corporate procedures.

- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or,
  - c. For a municipality, State, Federal or other public agency: by either a principal executive officer or ranking elected official. For purposes of this Section, a principal executive officer of a Federal agency includes:
    - i) the chief executive officer of the agency, or,
    - (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
6. All reports required by permit and other information requested by the Director shall be signed by a person described in Section 13.36.110(A)(5) or by a duly Authorized Representative of that person. If an authorization under this Section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of 13.36.040(A) must be submitted to the Director prior to or together with any reports to be signed by the individual.
7. Any person signing a document 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.

B. Application submittal: All Users

- 1. All Users required to obtain a permit shall file with the Director an application in the form prescribed by the Director and accompanied by the permit application fee.

2. The permit application, or reapplication, shall contain at least the following information:
  - a. A completed Industrial Wastewater Discharge Permit Application/Questionnaire form signed and dated by a person described in Section 13.36.110(A)(5) or by a duly Authorized Representative of that person;
  - b. Any drawing, plan, diagram, site plan, or plumbing plan of the property requested by the Director showing accurately all plumbing and sewerage necessary to satisfy permitting requirements;
  - c. Wastewater Discharge flow information and water consumption information;
  - d. The North American Industry Classification System (NAICS) Code and Standard Industrial Classification (SIC) Code required by state law or 40 CFR which best characterizes the industrial Discharge activities undertaken on the property;
  - e. Identification and listing of all hazardous materials or Hazardous Substances that are, or are expected to be generated, consumed, used or stored on the property including the quantities thereof, storage and spill prevention facilities, and method of disposal for any such materials or wastes.
3. For only Significant Industrial Users in addition to the requirements in subSection 2, above:
  - a. Chemical analysis of any industrial Wastewater constituent that may be Discharged to the POTW for the determination of permit requirements;
  - b. Identification and listing of all environmental control permits held by the applicant that are applicable to the property or to any operation, process, or facility thereon;
  - c. Any applicable U.S. EPA Categorical determination made by the applicant using 40 CFR § 405 to 471 as adopted in AAC R18-9-A905(A)(9). If the applicant is regulated under the above provisions, the applicant shall identify all applicable Pretreatment standards (for Existing or New Sources as appropriate) by subSections. If the applicant determines that it is not so regulated it shall so state. At least 90 days prior to commencement of Discharge, New Sources shall submit a report which contains the

information in a Baseline Monitoring Report as required by 40 CFR § 403.12(b) as adopted in AAC R18-9-A905(A)(8)(b). Within 90 days following commencement of the introduction of Wastewater into the POTW, New Sources shall submit a 90-day Compliance Report as required in 40 CFR § 403.12(d) as adopted in AAC R18-9-A905(A)(8)(b).

4. The Director may require the submittal of other information to assist in the determination of permit requirements.
5. The Director shall issue a written or electronic notice of administrative completeness or deficiencies to a permit applicant within 15 business days. If the Director determines that the application is not administratively complete, the Director shall include a comprehensive list of the specific deficiencies. The administrative completeness review time frame and the overall time frame are suspended from the date the notice is issued until the date the Director receives the missing information from the applicant. The Director may issue an additional written or electronic notice of administrative completeness or deficiencies based on the applicant's submission of missing information. Once the application is administratively complete, the substantive review time frame begins and the Director shall respond to permit applications within 30 business days of receipt of a completed permit application. During the substantive review time frame, the Director may make one comprehensive written or electronic request for additional information. The substantive review time frame and overall time frame are suspended from the date the request is issued until the date that the county receives the additional information from the applicant. The total overall timeframe for the permit application process shall be 45 business days not counting time response time by the applicant. By mutual written or electronic agreement, the Director and an applicant for a permit may extend the substantive review time frame and the overall time frame. An extension of the substantive review time frame and the overall time frame may not exceed twenty-five per cent of the overall time frame.
6. All Users shall reply to the Director and submit any permit application or questionnaire forms and any other related lists, plans, analyses, flow information or other materials, as requested by the Director, within 30 days of receipt of any such forms or request unless given an extension by the Director.
7. Permit decisions may be appealed to the Director by responding in writing to the Director within 33 days of the issuance of the Permit decision. The Appeal should include a detailed description of the portion of the permit and/or permit decision the applicant is appealing and their justification for the requested revision of the permit. The Director shall respond to the Applicant in writing within 30 business days.

8. Subsequent to an appeal to the Director, an appeal may be made to the Board of Supervisors by filing a request with the Clerk of the Board of Supervisors in the event that satisfactory resolution of permit application decisions is not agreed upon.

### **13.36.120 Industrial Wastewater Discharge Permit Fees**

#### **A. Application**

The application fee for Significant Industrial Users is \$800.00 and for all other Users is \$150.00. Fees shall be paid to Pima County Regional Wastewater Reclamation Department at the time of application.

#### **B. Renewal**

The application fee for Significant Industrial Users is \$800.00 and for all other Users is \$150.00. Fees shall be paid to the Pima County Regional Wastewater Reclamation Department at the time of reapplication.

#### **C. Modification**

A permit modification may be applied for and granted without a fee required.

#### **D. Refund**

Permit application fees shall be refunded when a determination is made that the original submittal does not require a Permit.

If the Director does not issue to the applicant the written or electronic notice granting or denying a permit within the overall time frame or within the mutually agreed upon time frame extension, the county shall refund to the applicant the permit application fee and shall excuse payment of any application fees that have not yet been paid.

## **Article V Standard Ordinance and Permit Conditions**

### **13.36.130 General Requirements**

#### **A. State and Federal Requirements**

All Users shall comply with all applicable Federal rules, regulations or Pretreatment standards, or any applicable more stringent State or local rules, regulations or standards, whether or not contained in a permit.

#### **B. Separation of Wastes**

All Domestic Wastewater from restrooms, showers, drinking fountains, and similar sources shall be kept separate from all industrial Wastewaters until the industrial Wastewaters have passed through any required Pretreatment facility or device and the industrial Wastewater monitoring facility. The Director may waive this condition if Chapter 13.36.130(E) is utilized.

C. Sample Location

As a condition of the permit, all Discharged industrial Wastewater shall pass through a designated sampling location. This sample location shall be located so as to allow unrestricted physical access by the Director.

D. Accidental Discharge Protection (Spill Protection And Slug Discharge Control)

All Users shall provide protection from the accidental Discharge or spill into the POTW of prohibited, hazardous or other waste materials which are regulated through this Ordinance. Such protection shall be provided and maintained at the Users' expense. No User shall commence Discharge to the POTW without accidental Discharge protection facilities or procedures. The User shall notify the POTW immediately of any changes at its facility affecting potential for a slug Discharge.

E. Combined Wastewater Formula

1. The combined Wastewater formula will be used by Users that mix regulated Wastewaters with other regulated or unregulated Wastewaters prior to Pretreatment.

The alternative concentration limits shall be derived using the formula found in 40 CFR § 403.6(e):

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

Where:

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

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

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

$F_D$  = the average daily flow (at least a 30-day average) from: (a) boiler blowdown streams, noncontact cooling streams, stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to Pretreatment, with an Industrial User's regulated process wastestream(s) will result in a substantial reduction of that pollutant, the control authority, upon application of the Industrial User, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated. In its application to the control authority, the Industrial User must provide engineering, production, sampling and analysis and such other information so that the control authority can make its determination; or (b) sanitary wastestreams where such are not regulated by a Categorical Pretreatment Standard; or (c) from any process wastestreams which were or could have been entirely exempted from Categorical Pretreatment Standards pursuant to paragraph 8 of the NRDC v. Costle (568 F.2d 1369 (DC Cir. 1977)) Consent Decree for one or more of the following reasons: (1) the pollutants of concern are not detectable in the effluent from the Industrial User; (2) the pollutants of concern are present only in trace amounts and are neither causing or likely to cause toxic effects; (3) the pollutants of concern are present in amount too small to be effectively reduced by technologies known; or, (4) the wastestreams contain only pollutants which are compatible with the POTW.

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

$N$  = the total number of regulated streams.

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

F. Duty to Reapply

The User shall submit a new application with the appropriate fee 180 days before the existing permit expires.

G. Duty to Comply

1. The User must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Ordinance and is grounds for enforcement action as provided for in Article VI.
2. The User shall comply with effluent standards or prohibitions established under § 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions.

H. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a User in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

I. Duty to Mitigate

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

J. Proper Operation and Maintenance

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

K. Duty to Provide Information

The User shall furnish within 30 days, any information the Director may request to determine whether cause exists for modifying, revoking and reissuing, or to determine compliance with the permit. The User shall also furnish to the Director upon request, copies of records required to be kept by the permit.

L. Inspection and Entry

1. The User shall allow the Director, upon compliance with ARS § 11-1603-1606 notification and presentation of photo identification, to:

- a. Enter upon the Users premises, at reasonable times, where a regulated facility or activity is located or conducted, or where records must be kept under conditions of the permit.
  - b. Have access to and copy, at reasonable times, any records that must be kept under conditions of the permit.
  - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit.
  - d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Ordinance, any substances or parameters at any location.
  - e. The User has the right to a split or duplicate of any samples taken during the inspection if the split or duplicate of any samples, where appropriate, would not prohibit an analysis from being conducted or render an analysis inconclusive.
2. The Director shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
  3. The Director may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure Wastewater flow and quality shall be calibrated based on manufacturer recommendation to ensure their accuracy.
  4. Unreasonable delays in allowing the Director access to the User's premises shall be a violation of this Ordinance.
  5. Where a User has security measures in place which require proper identification and clearance before entry onto its premises, the User shall make necessary arrangements with its security group so that, upon presentation of suitable identification, the Director shall be permitted to enter without delay for the purposes of performing inspections and monitoring.

M. Monitoring and Records

1. Samples and measurements taken for the purpose of monitoring shall be representative of the permitted activity.

2. The User shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, documentation associated with Best Management Practices (BMPs), copies of all reports required by the permit, and records of all data used to complete the application for the permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
3. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. Laboratory(s) which performed the analyses;
  - e. The analytical techniques or methods used;
  - f. Chain of custody forms;
  - g. Any comments, case narrative or summary of results produced by the laboratory. These comments should identify and discuss QA/QC analyses performed concurrently during sample analyses and should specify whether analyses met project requirements and 40 CFR 136. The summary of results must include information on initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, sample receipt conditions, holding times and preservation; and
  - h. The results of such analyses.
4. Collection, preservation and analysis of compliance samples must be conducted according to test procedures approved by 40 CFR § 136 as adopted in AAC R18-9-A905(A)(7), unless other test procedures have been specified in the permit.
  - a. Except as indicated in Sections b and c below and unless time-proportional composite or grab sampling is approved by the Director (sampling must be representative of the Discharge), the User must collect Wastewater samples using 24-hour flow-proportional composite sampling techniques.

- b. Samples for oil and grease, temperature, pH, cyanide, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Samples collected may be composited prior to the analysis as follows: for cyanide, and sulfides, the sample may be composited in the laboratory or in the field; for volatile organic compounds and oil and grease, the samples may be composited in the laboratory.
  - c. For sampling required in support of baseline monitoring and 90-day compliance reports in 40 CFR § 403.12(b) and (d), a minimum of four Grab Samples must be used for pH, cyanide, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For reports required by 40 CFR § 403.12(e) and (h), the User is required to collect the number of Grab Samples necessary to assure compliance with applicable Pretreatment standards and requirements.
5. All compliance samples shall be analyzed by a laboratory licensed in conformance with Environmental Laboratories consisting of Article 1 and A.R.S. § 36-495 through 495.15.

N. Compliance Schedule

The Director shall require the development of a Compliance Schedule by Users for the installation of technology required to meet applicable Categorical Pretreatment Standards and requirements. When a new requirement is placed upon a User, a Compliance Schedule may be established to allow the User to come into compliance.

O. Signatory Requirement

All applications, reports, or information submitted to the Director shall be signed and certified by a person meeting the requirements of subSection 13.36.110(A)(5) and (6) or by an Authorized Representative.

P. Re-Opener Clause

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

Q. Minor Modification of Permit

The Director may modify a permit to make corrections or allowances for changes in the permitted activity listed in this Section. Any permit modification not processed as a minor modification under this Section must be made for cause. Minor modifications may only:

1. Correct typographical errors;
2. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;
3. Allow for a change in ownership or operational control of a facility (after notice to the Director) where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new User has been submitted to the Director; or,
4. Implement the Compliance Schedule for a User which is a New Source. No such change shall affect a User's obligation prior to Discharge.

R. Major Modification or Termination of Permit

The Director may modify or terminate a permit for cause. The following are causes for Modifying or Terminating a permit during its term, or for denying a permit renewal application:

1. Significant Noncompliance (as defined in chapter 13.36.170.F of Article VI) by the User with any condition of the permit;
2. The User's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the User's misrepresentation of any relevant facts at any time;
3. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by modification or revocation; or,
4. A change in any condition that requires either a temporary or a permanent reduction or elimination of any Discharge controlled by the permit.

S. Availability of Reports

Except for data determined to be confidential by 40 CFR § 2.201 Subpart B, all reports prepared in accordance with the terms of the permit shall be available for public inspection at the offices of the Pima County Regional Wastewater

Reclamation Department's Industrial Wastewater Control Section after Director approval. Permit applications, permits, and effluent data shall not be considered confidential. Environmental audit reports prepared in accordance with A.R.S. § 49-1401 et. sec. shall be held as confidential and not disclosed as provided for in A.R.S. § 49-1404.

T. Removed Substances

Regulated wastes or other pollutants removed in the course of treatment or control of Wastewaters shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering the POTW.

U. Severability of Permit Conditions

The provisions of the permit are severable, and if any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

V. Civil and Criminal Liability

Except as provided in permit conditions on by-pass and Upset, nothing in the permit shall be construed to relieve the User from civil or criminal penalties for noncompliance.

W. Permit Actions

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

X. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

Y. Comment Period

The permit holder has 33 days from the date of the mailing of the permit in which to comment in writing to the Director.

Z. Permit Duration

Permits are issued for a specified time period, not to exceed five years.

### 13.36.140 (Reserved)

### 13.36.150 Notification Requirements

#### A. Notification of Accidental Discharge, Spill, Slug Loading, Bypass, Upset or Other Noncompliance.

##### 1. Notification

- a. In the event of Bypass, Upset, accidental Discharge, spill, or Slug Load, which may endanger health, the environment, or the POTW, the User shall notify the Pima County Regional Wastewater Reclamation Department by telephone **immediately** upon discovery of the occurrence.
- b. The User shall notify the Industrial Wastewater Control Section by telephone within 24 hours from the time the User becomes aware of the circumstances in which any Discharge exceeds any effluent limitation in the permit, or exceeds a maximum Discharge limitation for any of the pollutants listed in this Ordinance.
- c. The notification shall include location of Discharge, type of waste, Discharge concentration and volume, and corrective actions taken by the User.
- d. Within five days following notification, the User shall submit to the Director a detailed written report containing such information and describing the cause of the Discharge and measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, fines, civil penalties or other liability which may be incurred as a result of damage to the POTW or any other person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law.
- e. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within 30 days after becoming aware of the exceedance.

##### 2. Other Noncompliance Notification

The User shall report all instances of noncompliance at the time monitoring reports are submitted. The reports shall contain the information listed in paragraphs (A)(1)(c) and (d) of this Section.

3. Other Information

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

B. Bypass

1. Bypass not exceeding limitations: The User may allow any Bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation. These Bypasses are not subject to the provisions of paragraphs (B) (3) and (B) (4) of this Section.
2. Notice
  - a. Anticipated Bypass: If the User knows in advance of the need for a Bypass, it shall submit prior notice, at least 10 days before the date of the Bypass.
  - b. Unanticipated Bypass: The User shall submit notice of an unanticipated Bypass as required in paragraph (A) (1) of this Section.
3. Prohibition of Bypass: Bypass is prohibited, and the Director may take enforcement action against a User for Bypass, unless:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. Severe property damage means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can be reasonably expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss by delays in production;
  - b. There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities or 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 which occurred during normal periods of equipment downtime or preventive maintenance; and,
  - c. The User submitted notices as required under paragraph (B)(2) of this Section.

4. The Director may approve an anticipated Bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (B)(3) of this Section.

C. Upset

1. Effect of an Upset: An Upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (C) (2) of this section are met.
2. Conditions necessary for a demonstration of Upset: A User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An Upset occurred and that the User can identify the cause(s) of the Upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The User submitted notice of the Upset as required in paragraph (A) (1) of this Section; and,
  - d. The User complied with any remedial measures required under Section 13.36.130(J).
3. Burden of Proof: In any enforcement proceeding, the User, seeking to establish the occurrence of an Upset, has the burden of proof.

**13.36.160 Reporting Requirements**

A. Planned Changes

The User shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility when:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a New Source.
2. 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 Categorical Pretreatment Standards and

requirements shall submit to the Director a report indicating the nature and concentration of all pollutants in the Discharge from the regulated process.

The report shall state whether the applicable Categorical Pretreatment Standards or requirements are being met and, if not, what additional operations and maintenance or Pretreatment is necessary. This statement shall be reviewed by an Authorized Representative of the User and certified; or

3. Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased Discharges of pollutants must be reported by submission of a new permit application or, if such changes will not violate the Discharge limitations specified in the permit, by notice to the Pima County Regional Wastewater Reclamation Department. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited or change existing limits or other requirements. Approval must be obtained prior to any new Discharges. The User shall allow 45 business days for review.

B. Anticipated Noncompliance

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

C. Transfers

Permits are not transferable to any person except after notice to the Director. The Director may require modification or reissuance of the permit to change the name of the User and incorporate such other requirements as may be necessary under this Ordinance.

D. Monitoring Reports

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

1. Monitoring results must be reported on a self-monitoring report form (SMRF), or a form approved by the Director to the extent that the information reported may be entered on the form for the report period.
2. If the User monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR § 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the SMRF.

3. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
4. In cases where the Pretreatment standard requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment standard necessary to determine the compliance status of the User.

E. Reduced Periodic Reporting

The Director may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the EPA/State, where the Industrial User's total categorical Wastewater flow does not exceed 5,000 gallons per day.

Reduced reporting is not available to Industrial Users that have in the last 2 years been in Significant Noncompliance (SNC), as defined in 13.36.040 of this Ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Director, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

F. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule of the permit shall be submitted no later than 14 days following each scheduled date.

## **Article VI Enforcement**

### **13.36.170 Issuance of Notification of Violation**

A. Notification of Violation

1. Whenever the Director finds that a User is in violation of any Article of this Ordinance, any part of a permit, or any order for corrective action, the Director shall serve or cause to be served upon such User, a written Notification of Violation (NOV). The Notification of Violation shall be served and shall state the nature of the alleged violation. The Notification of Violation may include, but not be limited to:
  - a. An Order for Corrective Action;

- b. A schedule to attain compliance;
- c. An Order to Show Cause why the matter should not be referred to the Pima County Attorney's Office for appropriate legal action;
- d. An Order to Cease Discharge;
- e. A Suspension or Revocation of the User's permit; or
- f. An Order to respond in writing to the allegations.

Additional orders and changes to a suspension or revocation may follow the initial order at the discretion of the Director or as additional information becomes available.

2. The current water quality standards for phenolics, codified at AAC R18-11-101 through 304, are suspended, pending further administrative rule making proceedings by the Director of ADEQ, and shall not be enforced against any User pursuant to Title 49, Arizona Revised Statutes. Until such further administrative rule making proceedings are concluded, no person shall Discharge phenol compounds to surface waters at levels or in combinations sufficient to be toxic to humans or local animal, plant or aquatic life. Phenol (total) is an indicator and, in and of itself, is not a violation unless there is a corresponding violation of the Appendix A Numeric Water Quality Standards for Surface Waters Table1, Water Quality Criteria by Designated Use found in AAC R18-11.

#### B. Response to Notification of Violation

1. The User shall respond in writing to the Director within the time specified referenced in the Notification of Violation. In no instance shall an initial response be submitted any later than 10 days from receipt of the notice by the User. The response shall be complete, containing all information and data required by the Notification of Violation.
2. If the response to a Notification of Violation requires an Order to Show Cause, the User shall respond by demonstrating why the Director should not ask the Pima County Attorney to file an action in Superior Court requesting injunctive relief and penalties.

#### C. Resolution of Notification of Violation

Upon review of a response to a Notification of Violation, the Director may accept the response as complete and satisfactory. If this is the case, the Director shall consider the issue regarding the Notification of Violation closed. The Director will notify the User in writing regarding the closure of the Notification of Violation.

The closure of the Notification of Violation does not preclude further enforcement action.

D. Deficient Response to Notification of Violation

Upon review of a response to a Notification of Violation, the Director may determine the response to be deficient. If such a determination is made, the Director may take any one or more of the following actions:

1. require any non-submitted or incomplete information be provided;
2. suspend or revoke the User's permit;
3. order the User to cease Discharge;
4. seek penalties as justified by the violations; or
5. any other action the Director determines to be appropriate.

E. Compliance Schedule

When the User is found to be in noncompliance, a Compliance Schedule may be made part of an enforcement order. The deadline dates in the enforcement order will be subject to the same civil penalties and will be as enforceable as a Discharge limit.

F. Published List of Significant Violators

To comply with the public participation requirements of 40 CFR Part 25 as outlined in ARS § 49-391(C) for the enforcement of National Pretreatment Standards, the Director shall at least annually publish notification, in a newspaper of general circulation that provides meaningful public notice in the municipality in which the POTW is located, of Industrial Users which, at any time during the previous 12 months, were in Significant Noncompliance with applicable Pretreatment requirements.

For purposes of this provision, a Significant Industrial User (or any Industrial User that violates 40 CFR § 403.8 paragraphs [f][2][viii][c], [d], or [h] of this Section) is in Significant Noncompliance if its violation meets 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 the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined in 40 CFR § 403.3(l);

- b. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits as defined in 40 CFR § 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, and FOG, and 1.2 for all other pollutants except pH);
- c. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR § 403.3(l) (daily maximum, longer-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 human health, welfare or to the environment or has resulted in the Director's exercise of emergency authority under Chapter 13.36.195 to halt or prevent such a Discharge;
- e. Failure to meet, within 90 days after the scheduled date, a Compliance Schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with Compliance Schedules;
- g. Failure to accurately report noncompliance;
- 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.

### **13.36.180 Notification of Permit Suspension**

#### **A. Reason for Permit Suspension**

The Director shall use the emergency authority specified below as reason to suspend a permit when:

1. The suspension is necessary to cease a Discharge from a User which may present a hazard to the public health, safety or welfare, or to the environment or pass-through, Interference, or Upset to the POTW; or
2. The suspension is necessary to cease the Discharge of a User that has displayed a pattern of noncompliance with the provisions contained in this Ordinance.

When notified of a permit suspension, the User shall immediately cease Discharge of all industrial Wastewater to the POTW.

**B. Failure to Comply with Permit Suspension**

In the event of a failure of the User to comply voluntarily with the notification of permit suspension, the Director shall take such steps as necessary to ensure compliance up to and including termination of service by court order or physical barrier.

**C. Reinstatement of Suspended Permit**

The Director shall, by written statement, reinstate the Users permit upon proof of satisfactory compliance with all requirements of the notification of permit suspension. Damages and costs incurred by Pima County in suspending the permit and disconnecting the industrial sewer shall be paid by the User before reinstatement of the permit.

**13.36.190 Notification of Permit Revocation**

**A. Reason for Revocation of Permit**

1. The Director may revoke a permit upon finding that the User has violated any provision of this Ordinance, including but not limited to the following:
  - a. failure to notify the Director of significant changes to the Wastewater prior to the changed Discharge;
  - b. failure to provide prior notification to the Director of changed conditions pursuant to Chapter 13.36.160;
  - c. misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge permit application;
  - d. falsifying self-monitoring reports and certification statements;
  - e. tampering with monitoring equipment;

- f. refusing to allow timely access to the facility premises or records;
  - g. failure to meet effluent limitations;
  - h. failure to pay penalties;
  - i. failure to pay sewer user fees as required by the Users Industrial Wastewater Discharge Permit;
  - j. failure to meet Compliance Schedules;
  - k. failure to provide advanced notice of transfer of business ownership of a permitted facility; and,
  - l. violation of any Pretreatment standard or requirement, BMP or any other terms of the Wastewater Discharge permit or this Ordinance.
- 2. Individual Wastewater Discharge permits shall be voidable upon cessation of operations or transfer of business ownership.
  - 3. Any User whose permit has been revoked shall immediately cease all Discharge of any industrial Wastewater to the POTW.

**B. Failure to Comply with Permit Revocation**

In the event of a failure of the User to comply voluntarily with the notification of permit revocation, the Director shall take such steps as necessary to ensure compliance.

**C. Resolution of Permit Revocation**

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

**13.36.195 Emergency Termination of Service**

- A. The Director may suspend Wastewater treatment service to any person when it is necessary to stop an actual or threatened Discharge that presents or may present any imminent and substantial endangerment to the health or welfare of persons or the environment, or will cause Interference to the POTW.

- B. A person notified of the suspension of Wastewater treatment service shall immediately stop or eliminate the Discharge. If such person fails to comply with the suspension notification, the Director shall take necessary steps, including immediate severance of the sewer connection, to prevent or minimize damages to the POTW, endangerment to individuals or the environment. The Director may reinstate Wastewater treatment service upon proof of the elimination of the noncompliant Discharge.
- C. Nothing in this Section shall be interpreted as requiring a Show Cause Hearing prior to any emergency termination of service under this Section.

### **13.36.200 User Enforcement Appeal**

An enforcement action appeal may be made to the Board of Supervisors by filing a request with the Clerk of the Board of Supervisors in the event that satisfactory resolution of Chapters 13.36.170, 13.36.180 and 13.36.190 is not agreed upon.

### **13.36.210 Liability of User**

Any User who Discharges or causes the Discharge of Wastewater which causes damage to the POTW, Interference, Pass-through, Upset, Bypass or SSO or any other damages resulting in costs to the POTW shall be liable for all damages occasioned thereby.

### **13.36.220 Judicial Proceedings**

#### **A. Initiation of Legal Action**

Whenever the Director finds that a User has violated any of the provisions of this Ordinance, the Director may ask the County Attorney to take appropriate legal action. This legal action may include, among other things, the following:

1. Prohibitive injunctions;
2. Mandatory injunctions for corrective action and cleanup;
3. Civil penalties in accordance with this Ordinance and A.R.S § 49-391;
4. Criminal penalties pursuant to A.R.S. § 11-251.5;
5. Recovery of civil damages, penalties, and costs to the POTW;
6. Recovery of expenses experienced by the POTW in responding to or repairing damages for which the User liability is incurred under Chapter 13.36.210.

B. Civil and Criminal Penalties for Violation

1. The civil penalties for violation of any article of this Ordinance, any part of a permit written and issued in compliance with this Ordinance, or any requirement of a Notification of Violation written and issued in compliance with this Ordinance, shall not exceed twenty-five thousand dollars (\$25,000.00) for each violation. For continuing violations, each day may constitute a separate offense.
2. The civil penalties for non-submittal of reports, noncompliance with the reporting or application requirements required in this Ordinance or permit, or failure to complete an increment of progress of a Compliance Schedule, shall not exceed one thousand dollars (\$1,000.00) for each day in which the requirements are not fulfilled.
3. Any person who attempts to deceive a government agency by submitting documents to the agency or by making statements to a representative of the agency which they know to be false, or by destroying or concealing or refusing to deliver papers or records required by the agency to be kept for its information, is subject to prosecution for tampering with a public record, or fraudulent schemes and practices. Tampering with a public record is a Class 6 Felony (A.R.S. § 13-2407), and carries a maximum penalty of 1.5 years imprisonment and/or a \$150,000.00 fine. Fraudulent schemes and practices is a Class 5 Felony (A.R.S. § 13-2311), and carries a maximum penalty of 2.0 years imprisonment and/or a \$150,000.00 fine.

**13.36.230 Levels of Action**

A. Enforcement of Judicial Action

Participation in any communication concerning violations will not exempt a User of this Chapter from formal enforcement or judicial action.

B. Written Permission Requirement

All final determinations from the Director will be in writing.

C. Separate Actions

Any judicial proceedings initiated because of a violation of any Section of this Chapter shall not exempt a User from any judicial proceedings initiated because of a violation of any other provision of this Chapter.

**Article VII Notice Procedure**

### **13.36.240 Notices**

Any notice required to be given by the Director under this Chapter shall be in writing and served in person or by certified mail, return receipt requested. The notice shall be served upon a representative of the User, at the last address known to the Director, or the occupants or Owners of record of property upon which the alleged violations occurred.

## **Article VIII Rules and Regulations**

### **13.36.250 Rules and Regulations**

Pursuant to A.R.S. § 11-1607, all applicable ordinances, substantive policy statements and enforcement response plans shall be filed in the Office of the Clerk of the Board of Supervisors. A copy shall be available in the Pima County Regional Wastewater Reclamation Department Director's office. Any and all materials incorporated by reference in this document shall also be open to public inspection at these offices. The County will publish or place on the County website.

## **Article IX Time Limits**

### **13.36.260 Time Limits**

Any time limit provided in any written notice or in any provision of this Ordinance or in any regulation adopted pursuant to it shall be extended only by written directive of the Director, following the written request of the User involved. The request must contain adequate justification for the extension of the time limit.

## **Article X (Reserved)**

## **Article XI Severability**

### **13.36.280 Severability**

If any provision of this Ordinance is invalidated by judicial action, the remaining provisions shall not be affected and shall continue in full force and effect.

## **Article XII (Reserved)**

## **Article XIII Hazardous Waste Discharge**

### **13.36.300 Hazardous Waste Discharge**

The User shall notify the POTW and ADEQ waste management division in writing of any Discharge into the POTW of a substance, which, if otherwise disposed of, would be a Hazardous Waste under 40 CFR § 261.

The User shall make notification of any Hazardous Waste Discharges. By lack of this notification, the User is asserting that it is not discharging a waste that, if otherwise disposed of, would be considered a Hazardous Waste as defined by 40 CFR 261. The Permittee shall comply with 40 CFR § 403.12(p), which sets forth reporting and notification requirements for the Discharge into the POTW of a substance which, if otherwise disposed of, would be defined as a Hazardous Waste by 40 CFR § 261.

At no point shall Discharge covered by this domestic sewer exclusion for Discharge of Hazardous Waste exceed the local Discharge limits set forth in Section 13.36.070 of this Ordinance.

## **ARTICLE XIV Grease Management Program**

### **13.36.400 Statement of Policy**

The Pima County Regional Wastewater Reclamation Department's Industrial Wastewater Control Section is authorized to determine the compliance status of Food Service Facilities (FSF) where fats, oils and grease (FOG) of vegetable or animal origin are Discharged directly or indirectly to the POTW. These Discharges can contribute to line blockages or Sanitary Sewer Overflows.

For the purpose of this Ordinance and Pretreatment requirement determination, FSF's are defined as those facilities the Pima County Health Department requires to install and utilize a manual ware-washing three compartment sink.

The purpose of these rules is to set forth uniform requirements for all Food Service Facilities that Discharge into any public or private collection system connected to the POTW. Any new FSF or existing facility making a modification requiring the submittal of plans for construction or tenant improvements must meet the requirements of this Grease Management Program. Facilities without Pretreatment, or whose grease-bearing wastestreams are not connected to a Pretreatment device, must upgrade their system to the requirements of this Ordinance or obtain an Industrial Wastewater Discharge Permit.

Existing facilities that were built to previously adopted Plumbing Codes' standards need not bring current their Pretreatment system unless they are found to have caused or contributed to grease accumulation in the line or odor generated by grease accumulation.

### **13.36.410 Operation and Maintenance of Pretreatment Devices**

All Pretreatment devices shall be maintained in efficient operation at all times by the Owner or Operator at their expense.

Food Service Facilities are required to have a suitable and adequate Pretreatment device, and must regularly inspect, clean and maintain such device in accordance with this Article or the manufacturers' recommendations.

In maintaining these Pretreatment devices, the Owner/Operator shall be responsible for the proper removal and disposal of the captured material. Records shall be maintained of the dates, name of person/company, and the amount of material removed.

Pretreatment device maintenance performed by liquid waste haulers shall consist of removing the FOG, solids and water from the device and properly disposing of the material in accordance with all Federal, State and local laws. Proper maintenance practices include evacuating the entire contents in the following manner:

- Remove floatable FOG material;
- Remove settled solids;
- Remove and scrape baffles, baffle slots, interior walls and other detachable components;
- Remove remaining FOG, solid material and water ("pump-in-full" – no "skimming"); and
- Reinstall all components removed during the cleaning process.

Under no circumstances shall any liquid removed from any Pretreatment device be placed back into any Pretreatment device.

#### **13.36.420 Hydromechanical and Gravity Grease Interceptor and Other Alternative Pretreatment Device Design Criteria**

Pretreatment devices shall be designed and installed in accordance with the sizing criteria found in this Section. A sampling port/box/T, which will accommodate the collection of a valid oil and grease sample, shall be included on all Pretreatment device installations.

- A. Hydromechanical Grease Interceptors (HGI), which are generally installed inside, may be used when there are four or fewer fixtures. The minimum size HGI installed shall be rated no less than 25 gallon per minute with a 50 pound grease retention capacity. A flow control device shall be installed so that the flow through the device shall at no time be greater than the rated flow. If a dishwasher or food waste disposal unit is used in the facility, an HGI cannot be used and an appropriately sized GGI or alternative Pretreatment device capable of accepting these wastes must be installed.

Hydromechanical grease interceptors must be cleaned at least monthly. An HGI located indoors should be cleaned during non-business hours to prevent objectionable odors/germs from being released into the facility.

- B. A GGI is typically installed outside and in the ground when a FSF has greater than four fixtures, or when dishwasher or food waste disposal units are used in the facility. The minimum sized GGI to be installed shall be 300 gallons. Gravity grease interceptors shall be installed such that they are easily accessible for inspection, cleaning and the removal of FOG and solid material. A GGI shall meet the following minimum criteria: no obstruction to prevent the proper access and cleaning of the GGI; access covers located such that the influent and effluent sanitary "T" and compartment transition points (if applicable) are accessible for proper cleaning and inspection; and an access cover for each chamber and constructed with the appropriate traffic rating.

The GGI must be pumped-in-full at least every six months or when the total accumulation of surface FOG (including floating solids) and settled solids reaches 25 percent of the GGI's overall depth.

C. Gravity Grease Interceptor Sizing Criteria:

$$V(\text{min}) = F \times R \times S$$

Where:

- V(min)= Minimum Gravity Grease Interceptor Operating Volume, gallons
- F = Flow Rate (maximum), gallons per minute
- R = Retention Time = 30 minutes
- S = Storage Factor = 25 percent

Thus:  $V(\text{min}) = F \times 30 \times 1.25$

To calculate flow rate (F), use Drainage Fixture Units (DFU) values found in the tables below.

The flow rate shall be determined based on the total flow rate from all equipment and plumbing fixtures connected to the gravity grease interceptor using one of the following equations:

- 1. Drainage Fixture Units less than or equal to 40:

$$F = (0.8 \times \text{DFU})$$

- 2. Drainage Fixture Units greater than 40:

$$F = (0.3 \times \text{DFU}) + 20$$

Where:

DFU = Drainage Fixture Units, defined by the Tables below.

The below fixture counts are for determining the size of a Gravity Grease Interceptor.	
Drainage Fixture Units for Food Service Facilities.	
Fixture Type	Drainage Fixture Unit (DFU) Value
2-Compartment Sink	2
3-Compartment Sink	3
Automatic Dishwasher greater than 2 inch Drain	6
Automatic Dishwasher less than 2 inch Drain	3
Food Prep Sink	2
Food Waste Grinder	4
Hand Sink	1
Mop Sink/Mop Basin	2
Pre-Rinse Sink	3
Pre-Rinse Sink w/Food Waste	4
Rotisserie w/Drain	3
Tilt Soup Kettle	3
Wok Stove	4
For Fixtures <b>not</b> listed above use Table 709.2 below of the 2012 International Plumbing Code.	
Drainage Fixture Units for Fixture Drains or Traps	
Fixture Drain or Trap Size (inches)	Drainage Fixture Unit (DFU) Value
1 ½ inches	1
1 ½ Inches	2
2 inches	3
2 ½ inches	4
3 inches	5
4 inches	6
GGI sizing is summarized below.	
Gravity Grease Interceptor Sizing	Minimum Size (gallons)
Up to 10 DFUs	300
11-16 DFUs	500

17-25 DFUs	750
26-33 DFUs	1000
34-44 DFUs	1250
45-66 DFUs	1500
67-111 DFUs	2000
Greater than 112 DFUs Contact IWC.	

Retention Time:

The minimum retention time of 30 minutes is based on Wastewater Engineering, Treatment, Disposal and Reuse, Third Edition, Metcalf and Eddy, Inc., McGraw-Hill, Inc., page 1028.

Storage Factor:

A minimum of 25% storage is required for fats, oils, grease and settled solids for gravity grease interceptors.

Providing additional interceptor capacity may reduce an interceptor's maintenance frequency. However, solids accumulation and low flows in an interceptor may, over an extended period of time, produce a corrosive environment which can damage the structural integrity of the interceptor. An oversized interceptor can also generate odor problems.

- D. If an alternative Pretreatment device is used instead of an HGI or GGI, the design must be submitted to the Director for prior approval. The information submitted to the Director must include, but not be limited to, the number of DFUs the device is going to service, and the manufacturer's recommended sizing criteria.
- E. The introduction of emulsifying agents such as chemicals, solvents or enzymes, either directly or indirectly into the Pretreatment device, other than what is considered typical business operational practices such as dishwashing or sanitation, is strictly prohibited.

Products which reduce FOG, such as bacteria, may be used in the Pretreatment device, in addition to the regular maintenance program, but shall not be a consideration in determining sizing or maintenance frequency.

**13.36.430 Fats, Oils and Grease Sources**

- A. All fixtures, equipment and drain lines located in a facility's food preparation or clean-up areas, which are sources of FOG, shall be connected to a Pretreatment device except as outlined in 13.36.400 of this Article. Dishwashers or other fixtures discharging emulsifying agents, such as detergents, should be located

such that their potential to adversely impact the operation is minimized. All wastestreams containing FOG within FSF shall be directed to a Pretreatment device.

B. The following types of equipment or fixtures have been identified as sources of FOG and shall be connected to a Pretreatment device:

- pre-rinse and or pre-wash sinks;
- two, three or four compartment sinks;
- meat prep sinks;
- wok stoves;
- kitchen floor drains;
- floor sinks;
- mop sinks<sup>1</sup>;
- food prep sinks;
- hand sinks<sup>2</sup>;
- dishwashers;
- self cleaning ventilation /exhaust hood and
- food waste disposal units<sup>3</sup>.

<sup>1</sup>Depending on use, the requirement to drain through a Pretreatment device may be appealed to the Director as outlined in 13.36.075.

<sup>2</sup>A hand wash sink located in the kitchen area shall either Discharge through a Pretreatment device or have a sign posted above it stating clearly in all applicable languages: "HANDWASH SINK ONLY! NO FOOD PREPARATION OR DISHWASHING ALLOWED."

<sup>3</sup>Discharges from food waste disposal units must drain through a minimum 3/8 inch screen or solids separator prior to the Pretreatment device.

### **13.36.440 Best Management Practice Requirements**

Best Management Practices (BMPs) are policies, practices, or procedures implemented to mitigate the adverse effects of FOG.

All FSFs must develop and implement BMPs which, at minimum, shall include the following:

- Pouring all grease and oil from pots and pans into a waste grease container stored in close proximity to the pot washing sink and not down the drain;
- Scraping off of all solids or FOG on plates, pots and pans into the garbage can;
- Pre-washing plates with cold water over a small screened catch basin positioned over the drain and disposing the contents of the catch basin in a garbage can;
- Disconnecting all food waste disposal devices, unless the Discharge is screened or goes through a solids separator prior to Discharge;

- The posting of signs above vegetable prep sinks not protected by a grease Pretreatment device, stating clearly in all applicable languages: “NO WASHING OF POTS, PANS, DISHES OR UTENSILS – VEGETABLE PREP SINK ONLY”;
- Periodic training of current and new employees regarding the effective use of the BMPs.

### **13.36.450 Record-Keeping Requirements**

All Pretreatment device maintenance, compliance reports and related correspondence must be retained on-site by the User for a minimum of three years. A separate maintenance log shall be maintained on-site for each device. Maintenance logs shall include the following information: device location and volume; maintenance dates; volume removed in gallons; name of company and person(s) performing maintenance; and disposal location (facility where the material was disposed).

Records associated with waste cooking oil collection and disposal shall also be kept on-site by the User for a minimum of three years. Waste cooking oil collection logs shall include the following information: collection date; volume collected in gallons; name of company and person(s) performing collection; and disposal methods.

Records of compliance with BMP training shall be maintained by each FSF.

## **Article XV Satellite Collection Systems**

### **13.36.500 Applicability**

All entities owning or operating a Satellite Collection System shall comply with the requirements of this Article.

### **13.36.510 Publicly-Owned Satellite Collection Systems**

A satellite collection system under control of a separate jurisdictional governmental agency or Native American Nation shall enter into an agreement with Pima County that addresses the following requirements:

- A. Agreement by the contributing jurisdiction to adopt a Pretreatment sewer use ordinance that is no less stringent than Pima County’s ordinance.
- B. Compliance with industrial Wastewater ordinance requirements by industries that would be subject to Pima County’s ordinances if they Discharged to the collection system owned and operated by Pima County. Specifically, the contributing jurisdiction shall agree to adopt local limits for industrial Discharges into its collection system that are at least as stringent as Pima County’s local limits, or

should agree to a specific maximum total mass loading of pollutants for Discharge to Pima County's POTW.

- C. Indication of whether the contributing jurisdiction or Pima County is responsible for issuing control mechanisms to Industrial Users located within the contributing jurisdiction. If joint control mechanisms are to be issued, the agreement should indicate which party will take the lead in preparing the draft control mechanisms.
- D. Agreement by the contributing jurisdiction to providing Pima County access to all records compiled as part of the contributing jurisdiction's Pretreatment program activities, including notice to Pima County of key activities such as enforcement actions and permit issuances.
- E. Granting to Pima County the power to enter into the facilities of industrial Users to periodically verify compliance with applicable Pretreatment standards and requirements. Procedures and responsibility for conducting inspections and other compliance evaluation activities should be established explicitly.
- F. Agreement as to whether the contributing jurisdiction or Pima County has primary responsibility for enforcing Pretreatment standards and requirements against Industrial Users located within the contributing jurisdiction. If the contributing jurisdiction has primary responsibility for enforcing the ordinance, the agreement should specify that Pima County can enforce if the contributing jurisdiction fails to do so.
- G. Where it has primary responsibility for permitting, compliance monitoring, and/or enforcement, the contributing jurisdiction should agree that Pima County has the right to take legal action as necessary to enforce the terms of the agreement and/or to take action directly against noncompliant Industrial Users in the event that the contributing municipality is unable or unwilling to do so. The agreement should also provide for remedies available against the noncomplying municipality, including indemnification and specific performance of Pretreatment activities.
- H. If no Industrial Users are located within the contributing jurisdiction, the agreement should state: (1) no Industrial Users are currently located within the contributing jurisdiction, and (2) none shall be allowed to operate unless prior notification is provided to Pima County and a new agreement is entered into addressing implementation and enforcement of the Pretreatment program. A similar agreement might be appropriate if the only existing nondomestic Users are light commercial establishments.
- I. Operation of the contributing jurisdiction's collecting system so as to comply with the requirements of Pima County's CMOM permit number 20061111.

- J. Prevention or reduction to the extent possible of stormwater or infiltration of groundwater from entering the Pima County collection system.
- K. Notification of Pima County of new connections to Pima County's system, and assurance of compliance with Pima County's capacity assurance program.
- L. Assurance of the payment of connection and user fees as adopted by Pima County.
- M. Provision for spill-reporting systems.
- N. O&M provisions that protect the system, including proper O&M as required by 40 CFR 122.41(d).
- O. Reporting of unpermitted Discharges from satellite systems to waters of the United States or storm sewer systems owned or controlled by Pima County.
- P. All reasonable steps to minimize or prevent any Discharge in violation of Pima County's permit that have a reasonable likelihood of adversely affecting human health or the environment

**Effective Date:**

This Chapter shall take effect 30 days after adoption by the Pima County Board of Supervisors.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.

PIMA COUNTY BOARD OF SUPERVISORS,

BY \_\_\_\_\_  
Chairman

ATTEST:  
BY: \_\_\_\_\_  
Clerk, Board of Supervisors

REVIEWED BY:

\_\_\_\_\_  
Director, Regional Wastewater Reclamation Department

APPROVED AS TO FORM BY:

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Civil Deputy County Attorney

DRAFT