

CHAPTER 25 – WATER, SEWERS AND SEWAGE DISPOSAL

Sec. 25-138. Discharge of certain wastes prohibited.

(a) Any person who violates any provisions of this Chapter may be assessed a civil penalty by a court of competent jurisdiction or by the Director pursuant to this Chapter in an amount not more than Twenty-five Thousand Dollars (\$25,000) per day. For violations deemed by the court or the director to be continuing, the penalty may be assessed based on each day constituting a separate offense. In seeking the assessment of a civil penalty, the following factors shall be considered:

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

(b) In addition to the civil penalty imposed herein, the User shall be liable for any civil penalties imposed on the City as the result of the violation, together with the City's costs and attorney's fees incurred as a result of the civil penalty.

(c) In addition to any civil penalty imposed herein, the city attorney may commence proceedings in a court of competent jurisdiction to obtain a temporary and/or permanent injunction against the User to prevent further State or Federal statutes and regulations, or any administrative regulation adopted by the City or permit requirement imposed by the director to carry out the provisions of this chapter.

(d) **General Prohibitions.** No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other Federal, State, or local Pretreatment Standards or requirements.

(e) **Specific Prohibitions.** No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, gasoline, naphtha, fuel oil or other flammable or explosive liquid, solid or gas, or any wastestreams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.

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- (2) Wastewater having a pH less than 5.0 or more than 10.5, or otherwise causing corrosive structural damage to the POTW or equipment.
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference [but in no case solids greater than one-half inch (1/2") or one and twenty-seven hundredths centimeters (1.27 cm) in any dimension].
- (4) Pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- (5) Wastewater having a temperature greater than 104° F 40° C, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C).
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
- (7) Any waters or wastes containing toxic, poisonous or other substances in sufficient quantity to cause or have the potential to cause injury or interfere with any sewage treatment process, cause corrosive structural damage, constitute a hazard to humans or create any hazard to the collection system or in receiving waters of the POTW or pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.
- (8) Trucked or hauled pollutants, except at discharge points designated by the Director. Any water or waste that is transported from the point of discharge to the POTW by any septic tank, pumper, chemical waste hauler, or similar transporter unless the transporter has first:
 - (a) Disclosed to the Director the origin, nature, concentration and volume of all pollutants to be discharged; and
 - (b) Obtained the consent of the Director to discharge.
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's AZPDES permit.

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- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director.
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (14) Medical wastes, except as specifically authorized by the Director in an individual wastewater discharge permit.
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/L.
- (18) Any waters or wastes that have been in any way diluted as a substitute for pretreatment for the purpose of obtaining compliance with any Categorical Standard or pretreatment requirement imposed by this Chapter.
- (19) Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.
- (20) Any waters or wastes that could cause a violation of any Categorical Standard or pretreatment requirement.
- (21) Any discharge that exhibits a characteristic of a hazardous waste or contains a substance that is listed as a hazardous waste pursuant to the Arizona Administrative code R18-8-261 or Title 40, Code of Federal Regulations, whichever is applicable, whether or not the discharge is otherwise subject to hazardous waste regulations. This provision does not apply to domestic sewage or discharges of hazardous wastes that are authorized by the Director.

(Code 1977, §§ 12-2-6.15 through 12-2-6.18)

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

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

(Ord. No. 92-43, 11/3/92, Amended)

(Ord. No. 95-66, 8/1/95, Amended)

(Ord. No. 09-39, 10/20/09, Amended) SUPP 2009-4