

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 serious of the violation.
- (2) The economic benefit, if any resulting form 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) Except as provided in this chapter, no person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewer:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (F). Discharges must be reduced to one hundred four (104) degrees Fahrenheit at the point of entry into the POTW facility.
- (2) Any waters or waste which may contain more than one hundred (100) mg/l (milligrams per liter) by weight of fat, oil or grease.
- (3) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas including but not limited to those liquids, solids or gases with a flashpoint limit of less than 140EF or 60EC (using the test methods specified in 40 CFR 261.21)
- (4) Any garbage that has not been properly shredded.

CHAPTER 25 – WATER, SEWERS AND SEWAGE DISPOSAL

- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, grit such as brick, cement, onyx, carbide or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (6) Any waters or wastes having pH lower than 5 or higher than 10.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (7) Any waters or wastes containing a toxic, radioactive or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant.
- (8) Any pollutant, including oxygen demanding pollutant (BOD, ETC.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the publicly owned treatment works.
- (9) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (10) 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.
- (11) Any waters or wastes that could cause a violation of any categorical standard or pretreatment requirement.
- (12) 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.
- (13) 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

CHAPTER 25 – WATER, SEWERS AND SEWAGE DISPOSAL

provision does not apply to domestic wastewater 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)