

CHAPTER 25 – WATER, SEWERS AND SEWAGE DISPOSAL

Sec. 25-139. Wastewater Pretreatment; Federal Categorical Pretreatment Standards; State Pretreatment Standards; Local Limits.

(a) Upon the promulgation of any Federal Categorical Pretreatment Standard, the Federal Standard if more stringent than limitations imposed under this Code for sources in that subcategory, shall immediately supersede the limitations imposed under this Code. The Director shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12. To ensure applicability of current Federal standards to local Industrial Users, the City shall update its Code as necessary to remain current with applicable Federal and State regulations. The national Categorical Pretreatment standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471 are incorporated by reference into this Chapter and made a part hereto.

(b) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with 40 CFR § 403.6(c).

(c) When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users in accordance with 40 CFR § 403.6(c)(2).

(d) When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined wastestream formula in 40 CFR § 403.6(e).

(e) A User may obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR § 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.

(f) An Industrial User may obtain a net gross adjustment to a Categorical Pretreatment Standard in accordance with the following Subsections of this Section and 40 CFR § 403.15:

(1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the City. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.

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- (2) Criteria.
- (i) Either;
 - a. The applicable Categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or
 - b. The Industrial User demonstrates that the control system it proposes or uses to meet applicable Categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
 - (ii) Credit for generic pollutants such as Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), and Oil and Grease shall not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - (iii) Credit shall be granted only to the extent necessary to meet the applicable Categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this Section.
 - (iv) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The City may waive this requirement if it finds that no environmental degradation will result.
 - (g) When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. The City may establish equivalent mass limits only if the Industrial User meets all of the following conditions:
 - (1) To be eligible for equivalent mass limits the Industrial user must meet all of the following criteria:
 - (i) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its' individual wastewater discharge permit;
 - (ii) Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

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- (iii) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - (iv) Not all daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
 - (v) Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
- (2) An Industrial User subject to equivalent mass limits must meet all of the following criteria:
- (i) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - (ii) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - (iii) Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary more than twenty (20) percent from its' baseline production rates determined in Subsection (1)(iii) of this Section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - (iv) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Subsection (1)(i) of this Section so long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the Director:
- (i) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;

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(ii) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit necessary to reflect changed conditions at the facility; and

(iii) May retain the same equivalent mass limit in the subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rate used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for pretreatment pursuant to Section 25-141. The Industrial User must also be in compliance with Section 25-186 regarding the prohibition of bypass.

(h) The Director may convert mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for the purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.

(i) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived in accordance with 40 CFR § 403.6(c)(7).

(j) Many Categorical Pretreatment Standards specify one limit for calculating maximum monthly average or 4-day average limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation in accordance with 40 CFR § 403.6(c)(8).

(k) Any Industrial User operating under a permit incorporating mass or concentration limits calculated from a production-based Standard shall notify the Director within (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its' permit that were based on the original estimate of the long term average production rate in accordance with 40 CFR § 403.6(c)(9).

(l) State Pretreatment Standards. Upon the promulgation of State of Arizona Pretreatment Standards, the State Standard if more stringent than limitations imposed under the pretreatment provisions of this Chapter for sources in that subcategory, shall immediately supersede the limitations imposed under the Pretreatment provisions of this Chapter. To ensure applicability of current State standards to local Industrial Users, the City shall update the Pretreatment provisions of this Chapter as necessary to reflect limitations promulgated by the State. The State Pretreatment Standards found in A.A.C. R18-9-906(A) are incorporated by reference into this Chapter and made a part hereto.

(m) Local Limits.

(1) The Director is authorized to establish Local Limits pursuant to 40 CFR § 403.5(c).

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(2) The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following standards:

Pollutant of Concern	Daily Average Effluent Limitation mg/L
Arsenic	0.13
Benzene	0.035
Cadmium	0.047
Chloroform	2.0
Chromium, Total	7.0
Copper	1.5
Cyanide, Total	0.5
Lead	0.35
Mercury	0.0002
Molybdenum	Monitoring Only
Nickel	3.3
Selenium	0.045
Silver	0.6
Thallium	0.05
Zinc	2.0
1,2 Dichloroethane	0.4
Di(2-ethylhexyl) phthalate (DEHP)	0.3
Dichloromethane	0.3
BOD5	400
TSS	400
NH3	40
NO3	Monitoring Only
FOG	100

PROHIBITED SUBSTANCES
4,4' - DDE
4,4 - DDT
ALDRIN
BHC-ALPHA
BHC-BETA
BHC-GAMMA (LINDANE)
HEPTACHLOR
HEPTACHLOR EPOXIDE
POLYCHLORINATED BIPHENYL COMPOUNDS (PCB)

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(3) The Director may develop Best Management Practices (BMPs) pursuant to Section 25-136, by Ordinance, Pretreatment Plan, or in individual wastewater discharge permits, to implement Local Limits and the pretreatment requirements of this Chapter.

(4) The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metals unless indicated otherwise. The Director may impose mass limitations in addition to, or in place of, the concentration based limitations above.

(5) The Director reserves the right to establish in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of the pretreatment provisions of this Chapter.

(6) The Director may impose a surcharge fee on Users based on the pollutant load factors identified in Subsection (2), pursuant to authority that may be granted by the City Council and located in Title 2 of this Code.

(Code 1977, § 12-2-4.2)

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

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

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

(Ord. No. 08-35, 12/02/08, Amended)

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