ORDINANCE NO. 08-35

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 25 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 25-1 PERTAINING TO WATER, DEFINITIONS; AMENDING SECTION 25-10 PERTAINING TO WATER; UNAUTHORIZED SHUTDOWN OF WATER MAINS; AMENDING SECTION 25-17 PERTAINING TO WATER; DISTRIBUTION MAIN EXTENSIONS; AMENDING SECTION 25-18 PERTAINING TO WATER; MAIN EXTENSIONS, REQUIREMENTS; AMENDING SECTION 25-19 PERTAINING TO WATER; MAIN EXTENSIONS; SUBDIVISIONS, SINGLE LOTS, SUB LOT DEVELOPMENTS AND ALL OTHER DEVELOPMENTS; AMENDING SECTION 25-20 PERTAINING TO WATER; MINIMUM SUPPLY REQUIREMENTS; CONNECTION WITH WATER SYSTEM; AMENDING SECTION 25-30 PERTAINING TO WATER; RECLAIMED WATER USE; RATE; AMENDING SECTION 25-31 PERTAINING TO WATER; SYSTEM DEVELOPMENT FEE; ENACTING SECTION 25-68 PERTAINING TO WATER; NON-POTABLE WATER SERVICE; PROMULGATION AND ENFORCEMENT OF PROCEDURES AND REGULATIONS; ENACTING SECTION 25-69 PERTAINING TO WATER; NON-POTABLE WATER SERVICE; USE REQUIRED; ENACTING SECTION 25-70 PERTAINING TO WATER; NON-POTABLE WATER SERVICE; DISCONTINUANCE OF SERVICE; AMENDED BY ENACTING SECTION 25-71 PERTAINING TO WATER; NON-POTABLE WATER SERVICE; CUSTOMER RESPONSIBILITY; AMENDED BY ENACTING SECTION 25-72 PERTAINING TO WATER; NON-POTABLE WATER SERVICE; UNAUTHORIZED WORK; ENACTING SECTION 25-73 PERTAINING TO WATER; NON-POTABLE WATER USE; CUSTOMERS, SERVICE AGREEMENTS; REPEALING SECTION 25-75 PERTAINING TO WASTEWATER; ADMINISTRATION AND PERSONNEL IN ITS ENTIRETY; AMENDING SECTION 25-76 PERTAINING TO WASTEWATER; DEFINITIONS; ENACTING SECTION 25-77 PERTAINING TO WASTEWATER; CODE PART OF WATER SERVICE CONTRACT; REPEALING SECTION 25-78 PERTAINING TO ENFORCEMENT AND WAIVERS IN ITS ENTIRETY; ENACTING SECTION 25-78 PERTAINING TO WASTEWATER; APPLICABILITY TO EXISTING AGREEMENTS; ENACTING SECTION 25-79 PERTAINING TO WASTEWATER; LIABILITY OF CITY LIMITED; ENACTING SECTION 25-80 PERTAINING TO WASTEWATER; CUSTOMER

RESPONSIBILITY; ENACTING SECTION 25-81 PERTAINING TO WASTEWATER; CUSTOMER NEGLIGENCE; AMENDING SECTION 25-82 PERTAINING TO WASTEWATER; INSPECTIONS; ENACTING SECTION 25-83 PERTAINING TO WASTEWATER; LIABILITY FOR DAMAGE; ENACTING SECTION 25-84 PERTAINING TO WASTEWATER; CONNECTIONS TO EXISTING SEWER MAINS; ENACTING SECTION 25-85 PERTAINING TO WASTEWATER; SEWER MAIN EXTENSIONS; ENACTING SECTION 25-85 PERTAINING TO WASTEWATER; SEWER MAIN EXTENSIONS; ENACTING SECTION 25-86 PERTAINING TO WASTEWATER; SEWER MAIN EXTENSION REQUIREMENTS; REPEALING SECTION 25-86 PERTAINING TO EXTENSION MAINS, DEFINITIONS IN ITS ENTIRETY; ENACTING SECTION 25-87 PERTAINING TO WASTEWATER; SEWER MAIN EXTENSIONS; SUBDIVISIONS, SINGLE LOTS, SUB LOT DEVELOPMENTS AND ALL OTHER DEVELOPMENTS; REPEALING SECTION 25-87 PERTAINING TO WASTEWATER; PUBLIC SEWER EXTENSIONS; APPROVAL BY THE ENGINEERING DEPARTMENT REQUIRED IN ITS ENTIRETY; ENACTING SECTION 25-88 PERTAINING TO WASTEWATER; MINIMUM REQUIREMENTS FOR CONNECTION TO SEWER SYSTEM; REPEALING SECTION 25-88 PERTAINING TO WASTEWATER; CONSTRUCTION AND OWNERSHIP OF PUBLIC SEWER LINES AND RELATED FACILITIES MAINTAINED BY THE ENGINEERING DEPARTMENT IN ITS ENTIRETY; ENACTING SECTION 25-89 PERTAINING TO WASTEWATER; EXTENSIONS, CONSTRUCTION, OWNERSHIP, AND MAINTENANCE; REPEALING SECTION 25-89 PERTAINING TO WASTEWATER; TRUNK SEWER EXTENSIONS IN ITS ENTIRETY; RENUMBERING EXISTING SECTION 25-79 PERTAINING TO WASTEWATER; SERVICE OUTSIDE CITY GENERALLY TO SECTION 25-90; REPEALING SECTION 25-90 PERTAINING TO WASTEWATER, TRUNK SEWER EXTENSIONS; BID PROCEDURES; COSTS; CONNECTIONS; ACCESS CONTROL IN ITS ENTIRETY; ENACTING SECTION 25-91 PERTAINING TO WASTEWATER; AGREEMENTS; REPAYMENT AGREEMENTS; REPEALING SECTION 25-91 PERTAINING TO WASTEWATER; REPAYMENTS; SEWER LINES; ENACTING SECTION 25-92 PERTAINING TO WASTEWATER; REPAYMENTS; SEWER LINES; REPEALING SECTION 25-92 PERTAINING TO SEWER EXTENSIONS PRIOR TO A MUNICIPAL IMPROVEMENT DISTRICT OR COMMUNITY

FACILITIES DISTRICT IN ITS ENTIRETY; RENUMBERING AND AMENDING EXISTING SECTION 25-77 PERTAINING TO WASTEWATER; ENFORCEMENT RESPONSE PLAN TO SECTION 25-94; RENUMBERING EXISTING SECTION 25-80 PERTAINING TO WASTEWATER; TERMINATION OF SERVICE FOR VIOLATIONS; RESTORATION OF SERVICE TO SECTION 25-95; AMENDING SECTION 25-96 PERTAINING TO SEWER DEVELOPMENT FEE; RENUMBERING AND AMENDING EXISTING SECTION 25-81 PERTAINING TO INTERFERENCE WITH CITY EMPLOYEES; DIGGING UP STREETS WITHOUT PERMIT; TAMPERING WITH EQUIPMENT PROHIBITED TO SECTION 25-97; RENUMBERING EXISTING SECTION 25-83 PERTAINING TO WASTEWATER; UNSANITARY DISPOSAL OF EXCREMENT PROHIBITED TO SECTION 25-98; AMENDING SECTION 25-99 PERTAINING TO WASTEWATER; AUTHORITY OF THE UTILITIES DIRECTOR; AUTHORITY OF UTILITIES DIRECTOR TO REQUIRE BEST MANAGEMENT PRACTICES; AMENDING SECTION 25-100 PERTAINING TO WASTEWATER; DISCHARGES; PROHIBITED SUBSTANCES; RENUMBERING EXISTING SECTION 25-84 PERTAINING TO WASTEWATER; TREATMENT OF POLLUTED WASTES REQUIRED TO SECTION 25-108; RENUMBERING EXISTING SECTION 25-85 PERTAINING TO WASTEWATER; PRIVATE SEWAGE DISPOSAL SYSTEMS TO SECTION 25-109 PERTAINING TO WASTEWATER; PRIVATE SEWAGE DISPOSAL SYSTEMS, CONNECTION WITH SEWER SYSTEM; AMENDING SECTION 25-135 PERTAINING TO PRETREATMENT, PURPOSES AND POLICY; AMENDING SECTION 25-142 PERTAINING TO ACCIDENTAL DISCHARGE; AMENDING SECTION 25-145 PERTAINING TO FEDERAL CATEGORICAL PRETREATMENT STANDARDS; AMENDING SECTION 25-145 PERTAINING TO WASTEWATER CONTRIBUTION PERMITS; APPLICATIONS; AMENDING SECTION 25-149 PERTAINING TO PERIODIC COMPLIANCE REPORTS; AMENDING SECTION 25-176 PERTAINING TO TRAPS/INTERCEPTORS – VIOLATIONS; AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-1 pertaining to Water; definitions and which shall read as follows:

Sec. 25-1. Water; definitions.

For the purpose of this Chapter, the following words, terms and phrases shall have the following meaning ascribed to them, except where the context clearly indicates a different meaning:

Approach mains shall be those mains subject to repayment and defined as follows:

(i) Mains extended beyond the limits of the project or mains constructed through the project or mains constructed along the frontage or boundary of the development; and
(ii) Mains which serve other property owners other than the owner who is developing the property; and
(iii) Mains which are constructed to contain additional capacity to provide adequate fire flow and water pressure above and beyond that required by the development based on the most recent Water Master Plan.

Approved means accepted by the Utilities Director or their authorized deputy, agent, designee or representative as meeting an applicable specification stated or cited in this code, or as suitable for the proposed use.

City means the City of Peoria, Maricopa County, Arizona and/or the Utilities Department. For purposes of certain sections, the City shall be defined as the Utilities Department and the Engineering Department with the Engineering Department performing reviews on behalf of the Utilities Department to assure compliance with the Utilities Department standards and specifications.

City Engineer means the Director of the Engineering Department, (i.e., City Engineer) or their deputy, agent, designee or representative.

City Water Service Area means all incorporated areas of the City, which are not currently served water by a private water company.

Civil Sanction means that part of the law (i.e., this code) which is designed to secure enforcement by imposing a penalty. A punitive act taken by the City against an individual or customer, which has violated this code.

Commercial Unit means non-residential units which are intended to facilitate all types of employment-generating or business uses, including, but not limited to retail and service establishments, neighborhood convenience stores, business parks and professional offices, research and development centers, storage warehouses and industrial units.

Conveniently Accessible (for meter locations) means located in an open area with not less than three (3) feet in diameter access around the meter.

Customer(s) means any person (legal or natural), partnership, association, company, private corporation, public corporation, political subdivision, the United States and the State of Arizona, who requests or receives water from the City's public water distribution system or reclaimed water from the City's reclaimed water distribution system or untreated Central Arizona Project water from City facilities.

Development Fees means a fee assessed by the City to offset costs to the City associated with providing necessary public services to a development.

Director or *Utilities Director* means the Utilities Director of the City of Peoria or their authorized deputy, agent, designee or representative.

Dwelling Unit means:

(i) *Multiple-Family Dwelling Unit* means mobile home space within a mobile home park, a travel trailer space within a travel trailer park, a hotel, motel, rest home, apartment, condominium units served by a single meter, and any other building in which more than one (1) family may reside either temporarily or on a permanent basis.

(ii) *Single-Family Dwelling Unit* means any unit attached or detached served by an individual meter in which only a single-family may reside, other than a multiple-family dwelling unit.

Industrial Unit means a business use or an activity involving and/or including, but not limited to, resource extraction, manufacturing, fabrication, assembly, and warehousing.
Institutional Unit means a use or activity involving and/or including, but not limited to a pubic and public/private group use of a nonprofit nature, typically engaged in public service or a religious institution, hospital, public or private school or college, and public agency.

Minor Land Division means:

(i) The division of one parcel of land into three or less parcels.

(ii) Application for a building permit on a single lot, parcel or tract that is not a lot, parcel or tract located within a recorded subdivision and which may be divided into one or more additional lots, parcels or tracts, regardless of whether the property owner has indicated any intent to do so.

Non-Potable Water means water delivered through the City's non-potable water distribution system. Non-potable water is not designated to meet the Environmental Protection Agency's and Arizona Department of Environmental Quality's drinking standards but is appropriate for other use.

Non-Potable Water Delivery means City service to provide non-potable water for, but not limited to, commercial, recreational and landscaping purposes and recharge.

Non-Potable Water Distribution System means the network of public non-potable wells, waterlines, pumping and booster stations, storage facilities and related equipment/appurtenance, which compose the basic grid and distribution system for non-potable water service to the point of delivery for non-potable water.

Non-Potable Water Service Line means an approved type of pipe carrying non-potable water from the public non-potable waterline to the point of delivery.

Non-Potable Water Use Service Agreement means a separate written agreement between the City and a City non-potable water customer that governs the delivery of non-potable water by the City. It is an implied condition of every non-potable water service agreement that all of the provisions of this Code pertaining to non-potable water and any failure to deliver non-potable water because there is inadequate availability of non-potable water for any priority customer is not a breach of the non-potable water use service agreement.

Point of Delivery for Non-Potable Water means the non-potable water meter or such other location as determined in the sole discretion of the Utilities Director and located on or proximately to a customer's property to which the City will deliver non-potable water and have access to for inspection and/or replacement.

Point of Delivery or Point of Service Delivery means the terminal end of a service connection from public water system. If a meter is installed at the end of the service connection, then the point of service delivery shall mean the downstream end (i.e., customer side) of the meter. If an un-metered connection exists, then the point of service delivery shall mean at the point of demarcation between the public right-of-way or easements and private property. Also, the water meter or such other location as will be determined in the sole discretion of the Director or their authorized deputy, agent, designee or representative, and located on or proximately to a customer's property to which the City will deliver water and have access to for inspection and/or replacement.

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

Property Owner means the person, company, entity or developer which is developing the property. A property owner may in certain circumstances also be the individual requiring an approach main extension and/or be a customer (or future customer).

Public Water Distribution System means the network of public waterlines, pumping and booster stations, storage facilities and related equipment/appurtenance, which compose the basic grid and distribution system for water service to the point of delivery.

Public Waterline or Public Water Main means a waterline (or water main) owned and maintained by the City.

Reclaimed Water means effluent (or a combination of effluent and non-potable water) that has been collected in a sanitary sewer for subsequent treatment in a facility which adheres to federal and state water quality control standards (i.e., Arizona Revised Statutes § 45-101 and any successor statutes), to achieve a quality suitable for its intended use.

Reclaimed Water Delivery means City service to provide reclaimed water for, but not limited to, commercial, recreational and landscaping purposes and recharge.

Reclaimed Water Distribution System means the network of public reclaimed waterlines, pumping and booster stations, storage facilities and related equipment/appurtenance, which compose the basic grid and distribution system for reclaimed water service to the point of delivery for reclaimed water.

Reclaimed Water Service Line means an approved type of pipe carrying reclaimed water from the public reclaimed waterline to the point of delivery.

Reclaimed Water Use Service Agreement means a separate written agreement between the City and a City reclaimed water customer, which is not part of any development agreement and that governs the delivery of reclaimed water by the City. It is an implied condition of every reclaimed water service agreement that all of the provisions of this code pertaining to reclaimed water and any failure to deliver reclaimed water because there is inadequate availability of reclaimed water for any priority customer is not a breach of the reclaimed water use service agreement.

Turf means an area of land, which is planted primarily with plants other than low water using plants.

Utilities Director means the Director of the Utilities Department, or their authorized deputy, agent, designee or representative.

Water means any water (i.e., clear, colorless, nearly odorless and tasteless liquid), from the City's public water distribution system including reclaimed water from the City's reclaimed water distribution system, non-potable water from the City's non-potable water distribution system or untreated Central Arizona Project water from City facilities.

Water Deficiency means any or all of the following: (1) the use of the water supply and delivery system has approached a level that exceeds the City's ability to provide a supply of water to each customer within a pressure zone or throughout the City or where the available supplies of ground water or surface water delivered to the City are reduced; or (2) the general welfare requires that the water resources available to the City be put to the maximum beneficial use, or unreasonable method of use of water be prevented, and the conservation of such water is to be extended with a look at the reasonable and beneficial use thereof in the interests of the City and for the public welfare. A water deficiency shall be designated a Stage 1 (Water Watch), Stage 2 (Water Alert), Stage 3 (Water Warning), or Stage 4 (Water Emergency).

Water Distribution Main means water pipelines, which are generally between eight (8) inches and sixteen (16) inches in diameter, are considered part of the local water delivery system, and may be tapped for individual service connections to properties.

Water Transmission Main means water pipelines, which are generally greater than sixteen (16) inches in diameter, are considered part of the regional water delivery system, and are not permitted to be tapped for individual service connection.

SECTION 2. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-10 pertaining to Water; unauthorized shutdown of water mains and which shall read as follows:

Sec. 25-10. Water; unauthorized shutdown of water mains ~~Utilities; consumer to provide rights-of-way, easements, etc.~~

(a) Only authorized City personnel shall operate water valves or perform other work for the shutdown of the City water mains. Except as otherwise provided in this Chapter, no customer or person shall shutdown or reopen any City water mains.

(b) If a customer or person seeks a scheduled shutdown of a City water main, other than as provided in subsection (c) of this section, they shall make such shutdown request in writing, at least ~~forty-eight (48) hours~~ ten days prior to the contemplated shutdown, to the City's Utilities Department to accomplish such shutdown. The City shall provide City personnel to accomplish the shutdown if, in the Utilities Department's sole discretion, personnel will be available to perform such shutdown. If City personnel cannot be available when requested, an alternative time shall be established by agreement

between the City and the customer or person when, in the sole discretion of the Utilities Department, personnel are deemed to be available. The reopening of the water main by the City shall be accomplished in the same manner as the shutdown.

(c) Any request for a scheduled shutdown shall contain a schedule indicating the time and date of the proposed shutdown, its main location and point of shutdown and the contemplated time and date of the reopening of the water main.

(d) The customer or person causing a break in any City water line shall immediately notify the City's Utility Department of the time, date and location of such break together with any other information the City may request in relation to such break. Only City personnel may place the closed valve back in service. Any costs to the City arising from such break including, but not limited to, the repair thereof and the opening or closing of necessary valves shall be paid by the customer or persons causing the break.

(e) Any customer or person violating this section shall be subject to the imposition of a Civil Sanction by the Utilities Director in an amount not less than Two Hundred Fifty Dollars ($250.00) and not more than One Thousand Dollars ($1,000.00). Each day that a violation occurs shall be deemed a separate violation for purposes of this section and shall subject the customer or person to a separate Civil Sanction in the amount provided by this section.

SECTION 3. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-17 pertaining to Water; distribution main extensions and which shall read as follows:

Sec. 25-17. Water; distribution main extensions.

(a) If it becomes necessary to extend water mains from a distant point in order to serve a new development, the cost of the main extension will be the responsibility of the developer. The developer shall be responsible to construct at a minimum a sixteen (16) inch diameter line on section lines, streets, and arterials, and on mid-section lines streets or other such streets (generally half-mile intervals) twelve (12) inch diameter lines will be required.

(b) The plans and specifications for the approach main must be approved by the City Engineer.

SECTION 4. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-18 pertaining to Water; main extensions, requirements and which shall read as follows:

Sec. 25-18. Water; main extensions, requirements.

If the City determines that the extension of water mains to undeveloped areas is in the public interest, then all such extensions shall comply with the provisions of this Chapter and Chapter 23 of the City code.

(a) The property owner must pay all costs for constructing mains of such sizes as to afford adequate service during peak demands for the entire area to be served by the extension main.

(b) The Utilities Director shall establish the minimum water pressure and water delivery requirements for fire protection and peak daily service, which must be met.

(c) The property owner's engineer shall submit (i.e., recommend) for the Utilities Director approval the required size and layout of public water mains that will meet domestic water needs and fire flow requirements as required by this code. The final decision on size and layout of public water mains shall be solely that of the Utilities Director.

(d) The field engineering, plans and specifications required shall be prepared by the developer and approved by the City Engineer or their designee prior to construction. The engineering costs for preparation of plans and staking of the water main extensions on the property which are incurred by the property owner, may be included in the agreed construction costs as determined by the City Engineer and as provided in this section. The City shall perform the inspections during construction.

(e) Where booster pumps are necessary to maintain adequate pressures in the mains due to the development being near or above the hydraulic gradient of the distribution system of the City service area, the property owner shall construct at their own expense the necessary booster pumping station and storage facilities to City specifications. If the booster pump facility provides pressure for more than a single residential lot, t~~T~~he City will assume ownership and operation of such installations upon their completion and acceptance by the City. If the booster pump facility provides pressure for a single residential lot, the property owner shall be solely responsible to operate and maintain the facility after it is approved by the City for operation.

(f) The City may require the construction of the water main extension to meet additional specifications and requirements if such is determined to be in the best interest of the City and necessary to protect the public health, safety and welfare.

SECTION 5. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-19 pertaining to Water; main extensions; subdivisions, single lots, sub lot developments and all other developments and which shall read as follows:

Sec. 25-19. Water; main extensions; subdivisions, single lots, sub lot developments and all other developments.

(a) Where the City is to provide water service to and for all new subdivisions, single lot development, and all other developments other than a single residence on a single lot, the property owner shall furnish and install in accordance with plans approved by the City Engineer, all water mains, service connections, valves, fittings and appurtenances within the boundary of the development as well as the streets bounding the entire development. In addition, the property owner shall furnish and install all off-site water mains as necessary to complete a looped connection to existing City water mains as determined by the City.

(b) The City's water system standards shall be defined in accordance with this Chapter. All development in the City's water service area must conform with the City Water Master Plan, the approved Water System Analysis for the development, the City Development Guidelines, the Maricopa County Association of Government Standards and the development plans and specifications approved by the City Engineer.

(c) For development primarily residential in character, sixteen (16) inch diameter lines shall be provided on section line streets or arterials, (generally one-mile intervals), twelve (12) inch diameter lines shall be provided on mid-section line streets or other such streets, (generally half-mile intervals). The minimum size of mains installed by the developer on interior streets shall be eight (8) inch diameter. The ~~City Engineer~~ Utilities Director shall require larger size mains to meet the needs of all developments to be served by the extension, including minimum fire flow requirements, as determined by the current Water Master Plan.

(d) Fire hydrants, valves, pipes and fittings required for hydrant installation shall be installed by the property owner in accordance with plans approved by the City.

(e) Where no water main is existing along the frontage of a single existing residential lot zoned for single family use, and the property owner of the single lot requests water service, sufficient length of main shall be constructed by the property owner to extend the new main from an existing water main and across the entire lot frontage.

(f) The service connections installed by the property owner's contractor shall be guaranteed against any and all defects by the property owner for a period of one (1) year after the City's acceptance of the installations.

SECTION 6. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-20 pertaining to Water; minimum supply requirements; connection with water system and which shall read as follows:

Sec. 25-20. Water; minimum supply requirements; connection with water system.

(a) As the City complies with the mandate of the State to convert from groundwater mining to renewable water sources, the City becomes subject to such renewable supplies being interrupted, reduced or unavailable. Therefore, the City requires all new development to provide to the City a redundant (back-up) water supply source. The purpose of requiring a redundant (back-up) water supply source is to ensure reliable water delivery to municipal customers in the event of an interruption, reduction, unavailability or other partial or total failure of the primary water source. A redundant (back-up) water supply source shall meet the following requirements:

(1) The redundant supply shall be hydrologically separate and distinct from the primary supply of water.

(2) The property owner shall submit to the City a water plan for approval by the City prior to the start of development that provides a sufficient redundant water supply source. It shall be the sole determination and discretion of the Utilities Director to determine if the water plan meets the requirements of this section.

(b) All development within the City's water service area and within a quarter of a mile (i.e., 1320 feet) from a City water line is required to connect to the City's water system. The extension of a City water line and the connection to the City's water line will be constructed in accordance with City standards, City approved plans and the sole financial responsibility of the developer and/or customer. The connection to the City's water system and the extension of the water line are a condition of issuance of a building permit. The Utilities Director will have discretion to allow variances to this requirement for single lot developments if such development is on a major arterial road or if the connection is determined not to be feasible.

SECTION 7. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-30 pertaining to Water; Reclaimed and Non-Potable Water Use; rate and which shall read as follows:

Sec. 25-30. Water; Reclaimed and Non-Potable Water Use; rate.

The use of reclaimed or non-potable water instead of potable water in certain circumstances and for certain uses is an important element in water resource

management in the City. Rate setting for reclaimed and non-potable water shall be in accordance with the following:

The City Council shall by resolution adopt ~~a~~ rate schedules setting the rates to be charged for reclaimed water service provided by the City and non-potable water service provided by the City. ~~R~~Both reclaimed water service and non-potable water service for a time period less than one (1) month shall be charged at the minimum monthly rate. The City shall commence service charges for a customer when a water meter is installed and the connection is made regardless of whether reclaimed water or non-potable water passes through the meter or not.

SECTION 8. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-31 pertaining to Water; system development fee and which shall read as follows:

Sec. 25-31. Water; system development fee.

(a) For each dwelling unit and commercial, industrial and institutional unit connected to the City's water supply system a water system development fee shall be charged.

(b) The water system development fee shall be charged in accordance with Table 25-31 of this Chapter.

See Table 25-31 Water System Development Fee .

(c) The fee shall be used to offset costs to the City associated with providing for the expansion of the City's public water supply system for the purpose of providing necessary services to the units against which the fee is charged. Such expansion to the City's public water system shall include, but not be limited to, acquisition and construction of well sites, water treatment facilities and drilling and equipping wells, booster pumps, storage tanks, water transmission mains larger than sixteen (16) inches in diameter, debt service and other expenses or improvements related to the public water supply system.

(d) The water system development fee shall become due and payable to the City at the time the building permit is issued for the unit, commercial or industrial project that will be connected to the public water supply system. For spaces in a mobile home or travel trailer park or multi-family attached housing, the water system development fee shall be due and payable for all the units at the time the first building permit is obtained for the construction of the project. For other situations, the water system development fee shall be due and payable as follows:

(1) For an existing property within the City not connected to the public water distribution system requesting to connect to the public water distribution system, the water system development fee shall be due after City approval of the connection (if approved) or

(2) For a property outside of the City not connected to the public water distribution system requesting to connect to the public water distribution system, the water system development fee shall be due after City approval of the connection (if approved pursuant to City Council policy).

(e) A separate fund shall be kept and maintained for the water system development fees into which the moneys collected from developments shall be deposited and accounted for. The fees deposited to each such account shall be used only for uses provided for in this section and result in a beneficial use to development. The moneys in the separate account may be used by the City for the uses contemplated by this section without regard to the ~~situs~~ status of such improvements, facilities or work to be performed as long as such expenditures result in a beneficial use to the development from which they were collected.

SECTION 9. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-68 pertaining to Water; Non-Potable Water Service; promulgation and enforcement of procedures and regulations and which shall read as follows:

Non-Potable Water Service.

Sec. 25-68 Water; Non-Potable Water Service; Promulgation and Enforcement of Procedures and Regulations

(a) The Utilities Director shall have the authority to promulgate procedures and regulations relative to the City non-potable water distribution system with respect to the following matters and which procedures and regulations shall become effective in the manner provided by this Code:

(1) Application procedures and requirements including execution of a Non-Potable Water Use Service Agreement.

(2) Installation requirements, including specification of acceptable materials, devices and regulations to help prevent backflow or cross-connections with other systems, all of which shall be subject to right-of-way permits and construction procedures approved by the City Engineer. System development requirements, including onsite facilities needed for a customer to receive non-potable water service from the point of delivery, will

not be subject to any reimbursement or refund by the City. A customer must pay all costs to extend the Non-Potable Water Distribution System necessary to serve that customer including onsite and offsite facilities.

(3) Procedures for enforcement of the ordinances and regulations pertaining to non-potable water including, but not limited to, procedures for inspection of the customer's system and requiring appropriate signage pertaining to use of non-potable water.

(4) Procedures for the orderly expansion of the City non-potable water distribution system.

(5) Procedures and regulations for the efficient operation of the City non-potable water distribution system.

(6) The time of day or night during which customers may use non-potable water.

(7) The maximum rate of use for non-potable water.

(b) It shall be unlawful for any individual or customer to construct, operate, maintain, or allow to remain present on property owned or controlled by them, any device or system that is connected to or that controls a device or system connected to the City's non-potable water distribution system that is not in compliance with all provisions of this Code related to non-potable water and with all procedures and regulations promulgated pursuant to this Chapter. In addition to any other Civil Sanctions that may be imposed by law, any individual or customer who owns or controls property upon which a non-complying device or system is found shall be liable to the City for a Civil Sanction of Five Hundred Dollars ($500.00) or the amount by which the costs associated with the securing and/or removal of the non-complying device or system exceeds the cost of a normal discontinuance of service, whichever is greater. This Civil Sanction shall constitute a lien against the property upon which the non-complying device or system is located in the same manner as other unpaid utility fees under this Chapter.

SECTION 10. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-69 pertaining to Water; Non-Potable Water Service; use required and which shall read as follows:

Sec. 25-69. Water; Non-Potable Water Service; use required

(a) In order to establish non-potable water service with the City, all of the following criteria must be satisfied:

(1) The non-potable water service will be located within one-half mile of an existing City well.

(2) The water quality in such existing City well fails to meet current water quality standards.

(3) Construction of water treatment facilities for such well is not economically feasible as determined by the Utilities Director.

(4) Reclaimed water is not available to the location of service.

(b) If all of the criteria identified in Subsection (a) is satisfied, non-potable water service may be established for one or both of the following limited purposes:

(1) Irrigation of landscaping that was in place prior to December 1, 2008.

(2) Filling of lakes or other large bodies of water that were created prior to January 1, 1987.

(c) The Utilities Director may waive a time limitation prescribed in Section (b)(1) if the Utilities Director finds that all other required criteria have been satisfied and that the purpose of the requested use of non-potable water service is consistent with the intent of this Code.

SECTION 11. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-70 pertaining to Water; Non-Potable Water Service; discontinuance of service and which shall read as follows:

Sec. 25-70. Water; Non-Potable Water Service; discontinuance of service.

(a) In the event a customer desires to discontinue the use of non-potable water, the Non-Potable Water Use Service Agreement shall address and govern the compensation to be paid to the City for the remainder of the fiscal year in which such water use is terminated. Upon the termination of the use of non-potable water by a customer, that customer's allocation will be reallocated to other customers by priority.

(b) Any customer whose non-potable water system is in violation of any State or County statute, ordinance, or regulation or City ordinance, regulation, procedure, or permit shall be subject to immediate discontinuance of non-potable water service. Such discontinuance of service shall not relieve such (former) customer of any liability for civil actions for criminal or municipal ordinance violation prosecution.

(c) The City may suspend or discontinue non-potable water service to any customer that violates the provisions of this Chapter, including delinquency of any money (i.e., payment, fee, fine, assessment, etc.) owed the City. The procedure for discontinuance shall be as follows:

(1) Where the sole reason for discontinuance of service is delinquency of money owed the City, the matter will be handled as provided in Chapter 2 of this Code.

(2) Where the reason for discontinuance of service is due to a violation of an ordinance or regulation governing the City non-potable water distribution system (or a non-potable water service line) or where the violation endangers the health or safety of the public or the customer, discontinuance of service may occur without prior written notice or hearing.

(3) Where the reason for discontinuance is a refusal to permit an inspection being conducted pursuant to this Chapter, neither notice or a hearing shall be required prior to discontinuance of service.

(4) In cases where non-potable water service has been turned on or a connection made to the City non-potable water distribution system without authorization from the City, discontinuance of the service shall be immediate. No prior notice or pre-discontinuance hearing shall be required.

(5) Any customer who is found to be in violation of any City ordinance, regulation,or procedure governing non-potable water shall be subject to immediate discontinuance of non-potable water service.

(6) A customer whose service has been discontinued for delinquency of money (i.e., payment, fee, assessment, etc.) owed to the City may resume non-potable water service after paying any past due amounts of money owed to the City and a reconnection fee. For discontinuance for any other reason, the customer must apply for non-potable water as a Priority D applicant, unless a new agreement is entered into between the customer and City.

(d) Where service has been disconnected for a violation of an ordinance or regulation regarding non-potable water, such service shall not be reconnected until the Utilities Director receives adequate assurances and guarantees that such a violation will not recur.

SECTION 12. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-71 pertaining to Water; Non-potable Water Service; customer responsibility and which shall read as follows:

Sec. 25-71. Water; Non-potable Water Service; customer responsibility.

(a) The customer shall provide connections and appurtenances from the point of delivery after approval of the construction specifications (i.e., connections and appurtenances) by the Utilities Department, at the customer's own cost and without reimbursement in any form by the City as set forth in this subsection.

(1) The customer shall be responsible for scheduling an inspection of the connection assembly with the Utilities Department upon completion of the installation.

(2) The customer shall not tamper with or modify or connect any unauthorized hose, fitting, or fixtures to the connection assembly.

(3) The customer shall be responsible for all maintenance including equipment, etc. associated with receiving non-potable water from the point of delivery to the customer's property line and beyond.

(b) The customer shall restrict the use of non-potable water for such uses as promulgated by the Utilities Director, who may take into account the Class level of the user and state law. The customer shall post such signage as determined appropriate by the Utilities Director advising customers of such facilities and the public that non-potable water is being used on the property.

(c) The customer will not allow the non-potable water to:

(1) Enter dwelling units for toilet flushing or other potable uses;

(2) Be plumbed for consumption by humans or animals;

(3) Interconnect with another water source;

(4) Sprinkle edible crops or gardens;

(5) Flow through unapproved types of connections as determined by the Utilities Director;

(6) Fill swimming pools;

(7) Be resold (i.e., the act of selling non-potable water again);

(8) Be used for any purpose in violation of regulations promulgated by the Utilities Director governing such use; and

(9) Be used in any way that violates state or federal law.

(d) It shall be unlawful for any individual or customer to tamper with City property to receive non-potable water in a manner inconsistent with this Chapter.

(e) It shall be unlawful for any individual or customer to interfere in any way with any officer, employee, or agent of the City charged with management, construction, operation, inspection, testing, or maintenance of the non-potable water system in the discharge of their duties.

(f) It shall be unlawful for any individual or customer to receive non-potable water from the City non-potable water distribution system on any parcel unless the City shall have placed or directed the placing of a non-potable water meter upon such parcel. It shall be the responsibility of the Utilities Director to approve or decline each application for non-potable water. The Utilities Director shall direct the type and size of any non-potable water meter to be installed in the turnout based on the proposed quantity of non-potable water to be used. It is the responsibility of the customer to pay for the meter; however the meter shall remain the property of the City.

SECTION 13. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-72 pertaining to Water; Non-potable Water Service; unauthorized work and which shall read as follows:

Sec. 25-72. Water; Non-potable Water Service; unauthorized work.

(a) It shall be unlawful for any individual or customer to tamper with, or perform work, on the City non-potable water distribution system or to operate City turnouts to receive non-potable water unless expressly authorized by the Utilities Director. Tampering or performing work shall include, but is not limited to, opening or closing of valves, turning on hydrants, or the causing of any water to flow from the system. It is also unlawful for any individual or customer, unless authorized by the Utilities Director to:

(1) Cut into or make any improper connection to the City non-potable water distribution system.

(2) Use any unapproved connector.

(3) Cause or allow their non-potable water system to have any cross connections (between two or more water supplies), any illegal connections or tie-ins, or any discharge of non-potable water into the public sewer system.

(4) Let, rent, or resale to any other party or property any part of the non-potable water system or use of the non-potable water in any manner or for any purpose other than described in the ordinance and documents governing the non-potable water system and usage executed by the customer of the non-potable water service and the City. Any violations of the aforementioned nature may result in discontinuance or termination of non-potable water service as provided in this Chapter. The offending individual or customer shall be liable for the cost of all charges attributable to the correction of such tampering, including, but not limited to legal expenses. Payment for or correcting of such damage shall not relieve the offending individual or customer from criminal or Civil Sanctions the City or a court of law may impose for a violation of a City ordinance.

(b) It is unlawful for the customer to permit the non-potable water to be used for human or animal consumption, inter-connecting with another water source, sprinkling of edible crops (gardens), body contact, recreation, use through hose bibs, faucets, quick couplers, etc., filling of swimming pools, sharing a common non-potable water service or connection between properties, supplying air cooling systems (a/c units), or washing of equipment such as cars, boats, driveways, roofs, structures, etc.

SECTION 14. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-73 pertaining to Water; Non-potable Water Use; customers, service agreements and which shall read as follows:

Sec. 25-73. Water; Non-potable Water Use; customers, service agreements.

(a) Non-potable water service shall only be provided to customers through non-potable water use service agreements or annual orders for delivery as provided by the Utilities Director. The Utilities Director is authorized to execute such agreements on behalf of the City under the supervision of the City Attorney and approved as to form as required by the City Charter.

Since contractual rights for/to the use of non-potable water may result in added value to a customer's property, agreements/contracts shall recognize that possibility and require a waiver by the customer of any such added value in the event of purchase or condemnation of the property by the City through negotiation. This requirement shall be an

implied term of all non-potable water use service agreements or similar agreements between the City and a customer.

(b) Non-potable water use shall be controlled as follows:

(1) The use of all non-potable water derived from water developed by the City, including but not limited to the City's allocation of groundwater, Salt River Project and Central Arizona Project water, shall be directly controlled by the City.

(2) To be eligible to use non-potable water, a customer shall be in compliance with Section 25-69 of this Code.

(3) The use of all non-potable water derived from water developed by entities other than the City, but served to customers within the corporate boundaries of the City, shall be directly controlled by the City.

(c) It shall be unlawful to receive or use non-potable water in any area within the City limits other than by a Non-Potable Water Use Service Agreement or annual delivery agreement with the City.

(d) When private development requires non-potable water service in advance of the City's construction schedule, such customers/developers shall work with the Utilities Department to formulate a plan of service to be implemented at the sole expense of the customer/developer with facilities to be dedicated to City upon completion. Nothing herein will be construed to require the City to enter into such an agreement.

(e) The Non-Potable Water Use Service Agreement shall be in accordance with applicable City master plans and the City's water policy. Additionally, the Non-Potable Water Use Service Agreement recognizes that the use of non-potable water may reduce the amount of potable water or surface water that the City would have otherwise provided.

(f) Capital costs are those costs associated with providing distribution mains from a non-potable well to the point of delivery, up to, but not including, the connection. The Utilities Director may designate areas as not being appropriate for capital cost recovery taking into account the benefit of promoting non-potable water use and the benefit to the City from not receiving full capital cost recovery.

(g) No customer will be allowed to connect property to the non-potable water system unless such customer has made payment in full for the share of the capital costs. Alternatively, the customer may enter into an assessment agreement and provide for a lien to be secured against and recorded upon such property. Additionally, the customer may

provide such other financial security to cover such capital costs acceptable to the Chief Financial Officer and City Attorney.

(h) The City Council's adopted rate schedule for non-potable water shall dictate the cost of non-potable water. Such schedule may be amended from time to time, as needed.

Wastewater.

SECTION 15. Chapter 25 of the Peoria City Code (1992) is amended by repealing Section 25-75 pertaining to Wastewater; administration and personnel in its entirety:

~~Sec. 25-75. Wastewater; administration and personnel.~~

~~For the proper administration of the sewer system, there shall be appointed by the City Manager, a Utilities Director, City Engineer, Chief Financial Officer, and such other additional personnel as may be required for the operation of the sewer system.~~

SECTION 16. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-76 pertaining to Wastewater; definitions and which shall read as follows:

Sec. 25-76. Wastewater; definitions[1].

For purposes of this chapter, the following words, terms and phrases shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:

Act or "the Act" ~~T~~ means the Federal Water Pollution Control Act, also known as the clean water act, as amended, 33 U.S.C. 1251, et. seq.

Approval authority ~~T~~ means the director in a national pollution discharge elimination system (~~npdes~~ NPDES) state with an approved state pretreatment program and the administrator of the United States Environmental Protection Agency (EPA) in a Non-NPDES state without an approved state pre-treatment program. EPA is acting approval authority.

~~[1]State law reference(s) -- Authority to provide for sewers and sewage disposal, A.R.S.§§ 9-240(B)(5), 9-276(A)(12), (A)(21), 9-499.01, 9-511 et seq.; wastewater collection and treatment, A.R.S. § 49-361 et seq.~~

Approved laboratory means a facility licensed by the Arizona Department of Health Services pursuant to Title 36, Chapter 4.3, Article 1, Section 36-495, ET.SEQ. Arizona Revised Statutes.

Approved laboratory procedures means the measurements, tests and analyses of the characteristics of water and wastes in accordance with analytical procedures as established in 40 C.F.R. part 136, as revised.

Authorized representative ~~—A~~ means an Authorized representative may be any person authorized by a city or other governmental entity.

Authorized representative of industrial user ~~—A~~ means an Authorized representative of an industrial user may be: (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the over-all operation of the facilities from which the indirect discharge originates.

Average quality means the arithmetic average (weighted by flow value) of all the daily determinations of concentration made during a calendar month.

~~*BOB (b*~~*Biochemical* ~~*o*~~*Oxygen* ~~*d*~~*Demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade, expressed in milligrams per liter.

~~*BMP (b*~~*Best* ~~*m*~~*Management* ~~*p*~~*Practice (BMP)* shall mean schedules of activities, pollution treatment practices or devices, prohibition of practices, general good housekeeping practices, pollution prevention, waste minimization, educational practices, maintenance procedures, and other management practices or devices to prevent or reduce the amount of pollutants entering the sanitary sewer system, surface water, air, land or groundwater. Best Management Practices may include a physical, chemical, structural or managerial practice or device that can help to achieve compliance with this Chapter.

Branch sewer means an arbitrary term for a sewer which receives sewage from lateral sewers from a relatively small area.

Building connection or *sewer tap* means the connection to the public sewer and the extension therefrom of the sewer to the property line in an alley or street, or to the easement line in an easement, or to the edge of the paved roadway, whichever is applicable, depending on the location of the public sewer.

Building official means the individual so designated by the ~~c~~City ~~m~~Manager and head of the respective division of the Development Services Department responsible for implementing the Uniform Building Codes adopted by the city.

Building sewer means the extension from the building drain to the building connection or other place of disposal.

Categorical standards - means Federal Categorical Pretreatment Standards issued in accordance with Section 307 of the Clean Water Act.

City - means City of Peoria, Arizona.

City Engineer means the Director of the Engineering Department, (i.e., City Engineer) or their deputy, agent, designee or representative.

COD (chemical oxygen demand) means the quantity of oxygen consumed from a chemical oxidation of inorganic and organic matter present in the water or wastewater, expressed in milligrams per liter.

Cooling water means the clean wastewater discharged from any heat transfer system such as condensation, air conditioning, cooling or refrigeration.

Combined Sewer ~~–A~~ means a sewer receiving both surface runoff and sewage.

Control authority ~~– The term "Control Authority" shall refer to~~ means the "Approval Authority", defined herein above, or the Utilities Director if the City has an approved pretreatment program under the provisions of 40 CFR 403.11.

Daily average effluent limitation means the maximum allowable concentration in the discharge as measured in a representative sample during a sampling day. In determining compliance with the daily average effluent limitation, city samples should not be combined with non-city samples.

Daily composite sample means a sample of effluent continuously collected over a normal operating day.

Daily composite sample quality means the concentration of some parameter tested in a daily composite sample and reported proportional to flow.

Daily determination of concentration means:

(~~1~~i) For composite samples means the daily composite sample quality.

(~~2~~ii) For grab samples, the arithmetic average (weighted by flow value) of all grab sample qualities, determined for any calendar day.

Department ~~-T~~ means the Utilities Department.

Developer means any person engaged in the organizing and financing of a sewage collecting system within an area contributing to a branch, main, or a trunk sewer of the ~~c~~City sewer system. Such may be either a subdivider or a legally-constituted improvement district.

Director or *Utilities Director* means the Utilities Director of the City of Peoria or their authorized deputy, agent, designee or representative.

Director of Engineering - means the Director of Engineering or his authorized deputy, agent, designee, or representative~~s. shall have the authority to make regulations for the design and construction of the city's sewer system. He shall issue all the permits for the construction and connection to the system, and collect all fees for the same. He shall negotiate all agreements with all parties relative to expansion or joint use by others, including his designated agent, authorized deputy, agent, or representatives. He shall have authority over all field operations of the city's sewer system, including flow test measurements, quality of waste, service connections, line construction plus the operation and maintenance of all sewer system facilities~~.

~~*Director Utilities – Director of Utilities* shall have authority over all field operations of the city's sewer system, including flow test measurements, quality of waste, service connections, line construction plus the operation and maintenance of all sewer system facilities.~~

~~*Director of*~~ *Finance Director* or his authorized deputy, agent or representative shall have the authority to determine and collect all flow service rates and to make such regulations as necessary for same, including the ordering of a discontinuance of service for non-payment of required service fees.

Direct discharge ~~-T~~ means the discharge of treated or untreated wastewater directly to the waters of the State of Arizona.

Discharge means the disposal of sewage, water or any liquid from any sewer user into the sewerage system.

Domestic waste means a typical, residential-type waste which requires no pretreatment under the provisions of this article before discharging into the sanitary sewer

system. ``Domestic waste" does not include commercial, manufacturing and industrial wastes.

Environmental Protection Agency or EPA ~~—T~~ means the U.S. Environmental Protection Agency or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Establishment or *plant* means any establishment or plant producing liquid waste, with or without suspended solids, required to be discharged into the ~~c~~City sewer system.

Garbage means solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

Grab sample means an individual sample of effluent collected in less than fifteen (15) minutes.

Grab sample quality means the concentration of some parameter tested in a grab sample.

Holding Tank Waste ~~—A~~ means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

Indirect discharge ~~—T~~ means the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(B) or (C) of the Act, (33 U.S.C. 1317), into the POTW (including Holding Tank Waste discharged into the system).

Industrial cost recovery ~~—R~~ means recovery by the ~~c~~City from the industrial users of the sewer system of the federal grant amount allocable to the treatment of wastes for such users.

Industrial cost recovery period ~~—T~~ means the industrial cost recovery period shall be equal to thirty (30) years from the date of completion of the facilities.

Industrial discharge (Waste) ~~—A~~ means any introduction into the POTW of an non-domestic pollutant which:

(~~1~~i) Is produced by a source which would be subject to any categorical standards or pretreatment requirements if such source were to be discharged to the POTW; and

(~~2~~ii) Contains any substance or pollutant for which a discharge limitation or prohibition has been established by any categorical standard or pretreatment requirement.

Industrial user ~~– Defined as~~ means any one or more of the following:

(~~1~~i) Any non-residential user of the sewer system who causes an industrial discharge; or

(~~2~~ii) Any non-residential user of the sewer system which either discharges or produces a waste which potentially could be discharged to a POTW which could subject to any categorical standard or pretreatment requirement; or

(~~3~~iii) Any Significant Industrial User;

(4iv) Has control over the disposal of a waste as described in (1) and (2) above; or

(~~5~~v) Has the right of possession and control over any property which produces a waste as described in (1), (2), (3), or (4) above.

Industrial waste means any liquid, free-flowing waste, including cooling water, resulting from any industrial or manufacturing process or from the development, recovery or processing of natural resources, with or without suspended solids excluding uncontaminated water.

Industrial wastewater discharge permit means the permit granted by the City to an industrial user granting the right to discharge to the sewer works subject to the terms and conditions set forth in the permit.

Inflow means water other than wastewater that enters a sewer system (including sewer service connections) from sources such as roof leaders, cellar drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters or drainage.

Instantaneous effluent limitation ~~–~~ ~~T~~ means the maximum allowable concentration in the discharge at any time as measured in a grab sample. In determining compliance with the instantaneous effluent limitation, city samples shall not be combined with non-city samples.

Interference ~~–A~~ means a discharge which alone or in conjunction with a discharge or discharges from other sources, both:

(~~1~~i) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(~~2~~ii) Therefore is a cause of a violation of any requirement of the POTW'S NPDES 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 thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (Including Title II, more commonly referred to as the Resource Conversation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, The Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Lateral sewer means a sewer which discharges into a branch or other sewer and has no other common sewer tributary to it.

Main sewer means a sewer which receives sewage from two (2) or more branch sewers as tributaries.

Maintenance means keeping the treatment works in a state of repair, including expenditures necessary to maintain the capacity (capability) for which the works were designed and constructed.

National pretreatment standard, pretreatment standard or standard ~~–A~~ means any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with section 307 (b) and (c) of the act, which applies to industrial users. This term included prohibitive discharge limits established pursuant to 40 ~~cfr~~ CFR 403.5. Reference the standards located in 40 CFR chapter i, subchapter n., Parts 405 - 471.

National prohibitive discharge standard or prohibitive discharge standard ~~–A~~ means any regulation developed under the authority of 307(B) of the Act and 40 CFR, Section 403.5.

Natural outlet means any outlet into a watercourse, ditch, or other body of surface or groundwater.

New source ~~–A~~ means 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 pre-treatment standards under section 307(c) of the act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(~~1~~i) The building, structure, facility or installation is constructed at a sight at which no other source is located; or

(~~2~~ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(~~3~~iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same ~~sight~~ site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Normal sewage ~~–S~~ means sewage or wastewater that (a) has a five (5) day biochemical oxygen demand less than 300 milligrams per liter by weight; (b) contains less than 350 milligrams per liter by weight of suspended solids, and (c) does not contain a non-permissible quantity of the type waters and wastes described in section 25-138.

National Pollutant Discharge Elimination System (NPDES) Permit means a national pollutant discharge elimination system permit, issued to the City by the EPA, or an Arizona pollutant discharge elimination system permit (AZPDES), issued to the City by the State of Arizona, which imposes standards governing the quality of the treatment effluent discharge from the POTW into a navigable water of the United States.

Pass through ~~–A~~ means a discharge which exits the Publicly Owned Treatment Works ~~POTW~~ into waters of the united states in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the POTW NPDES permit (including an increase in the magnitude or duration of a violation). 40 CFR 403.5(A)(1)

Oil & grease means the measure of oil and grease content of a sample as determined by EPA method ~~413.1~~ 1664A, Or other equivalent test method approved by the Director.

Oil & grease (TPH) ~~F~~ means, for purposes of determining compliance with the oil and grease limitation contained in this chapter, oil and grease is defined as the measure of the petroleum and mineral oil (Total Petroleum Hydrocarbons, "TPH") content of a sample as determined by EPA method ~~418.1~~ 1664A, or other equivalent test method approved by the Director.

Permittee or *permit holder* means any person who owns, operates, processes or controls an establishment or plant being operated under a valid industrial waste permit to discharge wastewater into the city sewer system.

Person ~~A~~ means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH means the logarithm of reciprocal of the weight of hydrogen ions in grams per liter of solution.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural wastes. This includes any substance and effluent limitation identified in Chapter 25 of the City Code.

Pollution ~~T~~ means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

Pollution prevention ~~S~~ means source reduction and other practices that reduce or eliminate the creation of pollutants through either or both of the following:

(~~a~~i) Increased efficiency in the use of raw materials, energy, water or other resources, or

(~~b~~ii)Protection of natural resources by conservation.

Publicly Owned Treatment Works (POTW) ~~P~~ means publicly owned treatment works and connecting sewer collection systems which are owned and/or operated, in whole or in part, by the City and which provide the City with wastewater collection and disposal services.

POTW residuals ~~—~~A means all POTW effluent and/or solids, including sludge, scum, screenings and grit, which are the by-product of the wastewater treatment operations and which must be discharged to the environment for ultimate disposal and/or reuse.

POTW treatment plant ~~—~~T means that portion of the POTW designed to provide treatment to wastewater.

Pretreatment ~~—~~T means the physical, chemical, biological or other treatment of any industrial discharge, prior to discharge to the POTW for the purpose of any one or more of the following:

(~~1~~i) Reducing the amount of concentration of any pollutant; or

(~~2~~ii) Eliminating the discharge of any pollutant; or

(~~3~~iii) Altering the nature of any pollutant characteristic to a less harmful state.

Pretreatment requirements - means all of the duties or responsibilities imposed upon POTW users by this chapter.

Producer - means any person, firm, association, corporation or trust which owns, operates, possesses or controls an establishment or plant, whether or not a permittee.

Properly shredded garbage means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-fourth of an inch in any dimension.

Public sewer means a lateral, branch, main or trunk sewer controlled and maintained by the ~~c~~City.

Replacement means those expenditures made for obtaining and installing equipment, accessories and/or appurtenances during the useful life of the treatment works which are necessary to maintain the capacity and performance of the treatment works for which they were designed and constructed.

Sanitary sewer means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Secondary Sewage Treatment means treatment by which dissolved or suspended materials are converted through biological action and sedimentation to a form which allows more ready separation and results in a sewage treatment plant

effluent which can be characterized by the following average constituent concentrations: (a) BOD[BOD]: thirty milligrams per liter, (b) suspended solids: thirty milligrams per liter, and (c) pH: 6.0 to 9.0.

Sewage means a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewage works, sewer system or *sewerage works* means all facilities for collecting, pumping, treating, and disposing of sewage.

Sewer means a pipe or conduit for carrying sewage.

Sewer Tap - See "Building Connection".

Shall ~~–Is~~ means mandatory. May is permissive.

Significant industrial user ~~–A~~ means any categorical industrial user (CIU) any other industrial user which:

(~~1~~i) Discharges 25,000 gallons or more of process wastewater per day.

(~~2~~ii) Contributes a process wastewater which makes up five (5%) percent or more of the dry weather average hydraulic or organic capacity of the publicly owned treatment works (POTW).

(~~3~~iii) Is designated as such by the control authority on the basis that it has a reasonable potential for adversely affecting the POTW'S~~s~~ operation or for violating a pretreatment standard or requirement.

Significant noncompliance ~~–A~~ means an industrial user is in a state of significant noncompliance (SNC) when violations meet one or more of the following criteria:

(~~1~~i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(~~2~~ii) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable ~~trc~~ TRC (TRC = 1.4 FOR BOD, TSS, fats, oil and grease, And 1.2 For all other pollutants except pH).

(~~3~~iii) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(4iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the publicly owned treatment work's exercise of its emergency authority under this chapter to halt or prevent such a discharge.

(~~5~~v) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(~~6~~vi) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.

(~~7~~vii) Failure to accurately report non compliance; or

(~~8~~viii) Any other violation or group of violations which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

Slug discharge - means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

Source reduction ~~–~~A means any practice which:

(~~a~~i) Reduces the amount of any pollutant or contaminant entering any ~~wastestream~~ waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and

(~~b~~ii) Reduces the hazards to public health and the environment associated with the release of such substances, pollutants or contaminants.

Standard industrial classification (SIC) means a coded classification of industries based upon economic activity developed by the U. S. Department of Commerce as published in the most recent edition of the Standard Industrial Classification Manual, Office of Management and Budget.

Standard methods means the procedure as described in the most current edition of Standard Methods for the Examination of Water and Wastewater published by the American Health Association, or the most current edition of Manual of Methods for Chemical Analysis of Water and Wastes published by the U. S. Environmental Protection Agency.

State - means State of Arizona.

Storm sewer or *storm drain* means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Storm water ~~–A~~ means any flow occurring during or following any form of natural precipitation and resulting therefrom.

~~*Superintendent* - The Director of Utilities and his deputies and assistants who are designated by the city to supervise the operation of the POTW, if any, and who is chargedwith certain duties and responsibilities by this code.~~

~~*Superintendent* has the meaning assigned to it in this section.~~

Suspended solids (SS) means solids measured in milligrams per liter that either float on the surface of or are in suspension in water, wastewater or other liquids and which are largely removable by a laboratory filtration device, as defined in standard methods.

System design capacity means the design capacity for normal domestic wastewater as established by accepted engineering standards.

Total organic carbon (TOC) means the total of all organic compounds expressed in milligrams per liter as determined by the combustion-infrared method prescribed by approved laboratory procedures.

Toxic pollutant ~~–A~~ means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(A) or other acts.

Treatment parameter means a fundamental characteristic of sewage around which treatment is designed such as, but not limited to, flow, BOD, and suspended solids.

Trunk sewer means a sewer which receives sewage from many tributary main sewers and serves as an outlet for a large territory.

User means any person, lot, parcel of land, building, premises, municipal corporation or other political subdivision that discharges, causes or permits the discharge of wastewater into the sewage system.

Waste minimization ~~–~~A means an activity which eliminates or reduces the amount of any pollutant from entering the waste stream or the environment. This may include a change in raw materials, operational improvement, process improvement, product reformulation, reuse or reclamation.

Wastewater ~~–~~A means any liquid or water-carried pollutant, including an industrial discharge, which is introduced into the POTW from any dwelling, commercial building, industrial facility or institution.

Wastewater contribution permit ~~–~~A means as set forth in this chapter.

Wastewater treatment plant ~~–~~A means any arrangement of devices and structures used for treating sewage.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

Waters of the ~~s~~State ~~–~~A means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, draining systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

SECTION 17. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-77 pertaining to Wastewater; code part of water service contract and which shall read as follows:

Sec. 25-77. Wastewater; Code part of water service contract.

The provisions of this Code shall be a part of the contract of every customer receiving wastewater service from the City, and such customer receiving wastewater service shall be considered as having expressly consented to be bound thereby.

SECTION 18. Chapter 25 of the Peoria City Code (1992) is amended by repealing Section 25-78 pertaining to Enforcement and waivers in its entirety:

~~Sec. 25-78. Enforcement and waivers.~~

~~(a) This article is adopted for the benefit of the users of the city sewer system, for the protection of the sewer system, and to protect the quality of the effluent of the sewage treatment plants. Enforcement shall in no case be willfully ignored by any city official or employee. When strict enforcement could work a gross injustice on a user of the city sewer system, the city manager may order a suspension of a provision as to that particular case.~~

~~(b) The Director of Engineering or his authorized deputy, agent, or representatives shall have the authority to make regulations for the design and construction of the city's sewer system. He shall issue all permits for the construction and connection to the system, and collect all fees for the same. He shall negotiate all agreements with all parties relative to expansion or joint use by others, including his designated agent, or his authorized deputy, agent, or representatives.~~

~~(c) The Director of Utilities shall have authority over all field operations of the city's sewer system, including flow test measurements, quality of waste, service connections, line construction plus the operation and maintenance of all sewer system facilities.~~

~~(d) The Chief Financial Officeror his authorized deputy, agent, or representative shall have the authority to determine and collect all flow service rates and to make such regulations as necessary for same, including the ordering of a discontinuance of service for nonpayment of required service fees.~~

SECTION 19. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-78 pertaining to Wastewater; applicability to existing agreements which shall read as follows:

Sec. 25-78 Wastewater; applicability to existing agreements.

This Chapter shall not be construed to invalidate or prohibit the enforcement of any agreement involving wastewater service entered into prior to the effective date of this Chapter. Where possible, all such agreements shall be administered in accordance with the provisions of this Chapter.

SECTION 20. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-79 pertaining to Wastewater; liability of City limited and which shall read as follows:

Sec. 25-79 Wastewater; liability of City limited.

(a) No liability shall attach to the City for any injury or damage that may result from the restriction of use or discontinuance of any wastewater service, or any failure of the wastewater system regardless of any notice or lack of notice thereof. The City shall not be held liable, in any respect, for the conditions, defects, failures, or use of any pipe, connection, fixture, or appurtenance, not belonging to the City, on any customer's (or non-customer's) property, or for loss or damage resulting therefrom.

(b) The City shall not be responsible for any interruption of wastewater service caused by reasons beyond its control.

SECTION 21. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-80 pertaining to Wastewater; customer responsibility and which shall read as follows:

Sec. 25-80 Wastewater; customer responsibility.

The customer shall have complete responsibility for the installation and maintenance of adequate wastewater facilities on the customer's property. The City shall not be responsible for the installation, maintenance, inspection, or damage of such facilities or damage caused by any defect in such facilities on the customer's property. The customer shall be responsible for such facilities from the edge of street pavement to the home. Such facilities shall be maintained by the customer in full compliance with all rules and regulations of the City in addition to applicable federal and state statutes.

SECTION 22. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-81 pertaining to Wastewater; customer negligence and which shall read as follows:

Sec. 25-81. Wastewater; customer negligence

In the event that any damage to the City wastewater system or injury to City employees is caused by a customer and requires repairs, replacements, or damages, the cost of such repairs, replacements, or damages, together with a twenty percent (20%) administrative fee, shall be added to that customer's bill. If such charges are not paid by the customer, the City may discontinue water service.

SECTION 23. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-82 pertaining to Wastewater; inspections as follows:

Sec. 25-82. Wastewater; inspections.

(a) ~~The Director~~ Authorized officers and employees of the City may inspect every facility that is involved, either directly or indirectly, with the discharge of wastewater to the ~~c~~City's sewage system. These facilities shall include sewers, sewage pumping plants, pollution control plants, all industrial processes, industrial wastewater generation, conveyance and pretreatment facilities, devices and connecting sewers, and all similar sewage facilities. Inspections may be made to determine that such facilities are maintained and operated properly and are adequate to meet the provisions of this ~~article~~ Chapter or any other law or standards applicable to wastewater.

(b) ~~Access to all of the above facilities or to other facilities directly or indirectly connected to the city's sewage systems shall be given to authorized personnel of the city at all~~ Authorized City personnel may enter any building or property at a reasonable time~~s including those occasioned by emergency conditions~~ (whenever necessary) to inspect the building or property, or to perform any duty authorized by this Code, for the purpose of making an inspection to enforce any provisions of this Code. ~~Any permanent or temporary obstruction to easy access to the sewage facility to be inspected shall promptly be removed by the facility user or owner at the written or verbal request of the city manager and shall not be replaced. No person shall interfere with, delay, resist or refuse entrance to an authorized city inspector attempting to inspect any wastewater generation, conveyance or treatment facility connected directly or indirectly to the city's sewage systems.~~ Authorized personnel also may conduct an inspection if the City has reasonable cause to believe that there exists in any building or upon any property any conditions that makes such building or property unsafe due to violations under this Code. In such a case, if the building or property is occupied, the authorized City personnel shall first present proper credentials and request entry. If the building or property is not occupied, the City first shall make a reasonable effort to locate the owner or other persons having charge or control of such building and request entry. If such entry is denied, the Cuity shall have recourse to every remedy provided by law to secure entry.

~~(b) All sewers to be attached directly or indirectly to a city sewer shall be inspected by personnel of the city during construction. At least forty-eight (48) hours prior to cutting into the city's sewer, the city shall be notified. In making a connection to a city sewer, no physical alteration of the city's facilities shall commence until an inspector is present. No wastewater shall be discharged into any sewage facility tributary to a city facility prior to obtaining inspections and approval of sewage construction by the city. Following satisfactory completion of construction, the city will issue a construction inspection certificate upon request.~~

(c) If the owner or occupant denies entry, the authorized City personnel may obtain a proper inspection warrant or other remedy provided by law to secure entry. Owners, occupants, or any other person having charge, care, or control of any building or property, after proper request is made as provided in this Section, shall promptly permit entry therein by the City for the purpose of inspection and examination pursuant to this Code.

(d) If the City determines that a violation of this Code exists on the property, the City may turn off water service to the property until such violation is corrected, depending on this magnitude of the violation.

SECTION 24. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-83 pertaining to Wastewater; liability for damage which shall read as follows:

Sec. 25-83. Wastewater; liability for damage.

Any expense incurred by the City for the repair or replacement of damaged, stolen, tampered with or misused wastewater facilities, including administrative and processing charges, shall be charged against and collected from the customer or person who caused the expense in an amount as established in this Code. Unless authorized by the Utilities Director, all work (i.e., restoration, repair, etc.) shall be performed by City personnel.

Main Extensions and Construction (Service Connections).

SECTION 25. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-84 pertaining to Wastewater; connections to existing sewer mains and which shall read as follows:

Sec. 25-84. Wastewater; connections to existing sewer mains, ~~consumer to provide right-of-ways, easements, etc.~~

(a) All sewers to be attached directly or indirectly to a City sewer shall be inspected by personnel of the City during construction. At least ten days prior to cutting into the City's sewer, the City shall be notified. In making a connection to a City sewer, no physical alteration of the City's facilities shall commence until an inspector is present. No wastewater shall be discharged into any sewage facility tributary to a City facility prior to obtaining inspections and approval of sewage construction by the City.

(b) Any request for a scheduled shutdown of the City's wastewater collection system shall contain a schedule indicating the time and date of the proposed shutdown, its

main location and point of shutdown, and the contemplated time and date of the reopening of the water main.

(c) The customer or person causing a break in any City sewer line shall immediately notify the City's Utility Department of the time, date and location of such break, together with any other information the City may request in relation to such break. Any costs to the City arising from such break, including the repair thereof and the costs of sewer bypasses, shall be paid by the customer or persons causing the break.

(d) Any customer or person violating this Section shall be subject to the imposition of a Civil Sanction by the Utilities Director in an amount not less than Two Hundred Fifty Dollars ($250.00) and not more than One Thousand Dollars ($1,000.00). Each day that a violation occurs shall be deemed a separate violation for purposes of this section and shall subject the customer or person to a separate Civil Sanction in the amount provided by this Section.

SECTION 26. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-85 pertaining to Wastewater; sewer main extensions and which shall read as follows:

Sec. 25-85. Wastewater; sewer main extensions.

(a) If it becomes necessary to extend sewer mains from a distant point in order to serve a new development, the cost of the main extension will be the responsibility of the developer. The developer shall be responsible to construct at a minimum an eight (8)-inch diameter sewer main.

(b) The plans and specifications for the approach main must be approved by the City Engineer.

SECTION 27. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-86 pertaining to Wastewater; sewer main extension requirements and which shall read as follows:

Sec. 25-86. Wastewater; Sewer main extension requirements .

If the City determines that the extension of sewer mains to undeveloped areas is in the public interest, then all such extensions shall comply with the provisions of this Chapter and Chapter 23 of the City Code.

(a) The property owner must pay all costs for constructing sewer lines of such sizes as to afford adequate service during peak flows for the entire area to be served by the extension main.

(b) The Utilities Director shall establish the area that the sewer main shall service, which may extend beyond the limits of the property being developed.

(c) The property owner's engineer shall submit for the Utilities Director's approval the required size and layout of public sewer mains that will meet sewer flow requirements as required by this Code. The final decision on size and layout of public sewer mains shall be made by the Utilities Director.

(d) The field engineering, plans, and specifications required for sewer main extensions shall be prepared by the developer and approved by the City Engineer prior to construction. The engineering costs for preparation of plans and staking of the water main extensions on the property which are incurred by the property owner may be included in the agreed construction costs as determined by the City Engineer and as provided in this Section. The City shall perform the inspections during construction.

(e) Where lift stations are necessary to transport sewage due to ground elevation issues within the City service area, the property owner shall construct at the owner's expense the necessary lift station to City specifications. If the lift station facility provides service for more than a single residential lot, the City will assume ownership and operation of such installation upon its completion and acceptance by the City. If a booster pump facility provides pressure for a single residential lot, the property owner shall be solely responsible to operate and maintain the facility after it is approved by the City for operation.

(f) The City may require the construction of the sewer main extension to meet additional specifications and requirements if such is determined to be in the best interest of the City and necessary to protect the public health, safety, and welfare.

SECTION 28. Chapter 25 of the Peoria City Code (1992) is amended by repealing Section 25-86 pertaining to Extension mains, definitions in its entirety:

~~Sec. 25-86. Extension mains, definitions.~~

~~(a) Engineering Department shall be defined as the Engineering Department of the City of Peoria.~~

~~(b) Extension mains shall be those mains subject to repayment and defined as follows:~~

~~(1) Mains extended beyond the limits of the project or mains constructed through the project or mains constructed along the frontage or boundary of the development, and;~~

~~(1) Mains which serve other property owners other than the owner who is developing the property, and;~~

~~(3) Mains which are constructed to contain additional capacity to provide adequate flow above and beyond that required by the development based on the volume of flow and type of waste generated by the development.~~

~~(c) Owner shall be defined as the person, company, entity or developer which is developing the property which requires a sewer extension.~~

SECTION 29. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-87 pertaining to Wastewater; sewer main extensions; subdivisions, single lots, sub lot developments and all other developments which shall read as follows:

Sec. 25-87. Wastewater; sewer main extensions; subdivisions, single lots, sub lot developments and all other developments.

(a) Where the City is to provide sewer service to and for all new subdivisions, single lot development, and all other developments other than a single residence on a single lot, the property owner shall furnish and install in accordance with plans approved by the City Engineer, all sewer mains, sewer taps, manholes, and appurtenances within the boundary of the development as well as the streets bounding the entire development. In addition, the property owner shall furnish and install all off-site sewer mains as necessary to extend sewer service to the edges of the proposed development as determined by the City.

(b) The City's sewer system standards shall be defined in accordance with this Chapter. All development in the City's sewer service area must conform with the City Sewer Master Plan, the approved Sewer System Analysis for the development, the City Development Guidelines, the Maricopa County Association of Government Standards, and the development plans and specifications approved by the City Engineer.

(c) For development primarily residential in character, the minimum size of mains installed by the developer on interior streets shall be eight (8)-inch diameter. The Utilities Director shall require larger size mains to meet the needs of all developments to be served by the extension, as determined by the current Sewer Master Plan.

(d) Where no sewer main is existing along the frontage of a single existing residential lot zoned for single family use, and the property owner of the single lot requests sewer service, sufficient length of main shall be constructed by the property owner to extend the new main from an existing sewer main to the point of connection of the new sewer tap.

(e) All sewer main, taps, and appurtenances installed by the property owner's contractor shall be guaranteed against any and all defects by the property owner for a period of one year after the City's acceptance of the installations.

SECTION 30. Chapter 25 of the Peoria City Code (1992) is amended by repealing Section 25-87 pertaining to Wastewater; public sewer extensions; approval by the engineering department required in its entirety:

~~Sec. 25-87. Wastewater; public sewer extensions; approval by the engineering department required.~~

~~(a) No public sewer extensions shall be made until the plans and specifications are approved by the Engineering Department. Public sewer extensions shall be constructed in accordance with the standards and specifications on file in the Engineering Department. The owner may request and/or the Engineering Department may authorize additions to or variances from the standards and specifications, if he determines such variance or addition is in the best interest of the city and the public health, safety and welfare. All such additions or variances shall be in writing and shall be approved by the Director of Engineering or designee.~~

~~(b) All decisions of the Director of Engineering under this article may be appealed to the city manager. The appeal shall be in writing and shall specify the decision of the Director of Engineering which is being appealed from and the relief requested. The decision of the city manager shall be final.~~

SECTION 31. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-88 pertaining to Wastewater; minimum requirements for connection to sewer system which shall read as follows:

Sec. 25-88. Wastewater; minimum requirements for connection to sewer system.

All development within the City's sewer service area and within a quarter of a mile (1,320 feet) from a City sewer line is required to connect to the City's sewer system. The extension of a City sewer line and the connection to the City's sewer system will be constructed in accordance with City standards and City approved plans. Any such extension and connection shall be the sole financial responsibility of the developer and/or

customer. The connection to the City's sewer system and the extension of the sewer line are a condition of issuance of a building permit. The Utilities Director will have discretion to allow variances to this requirement for single lot developments, if either such development is on a major arterial road or the connection is determined not to be feasible.

SECTION 32. Chapter 25 of the Peoria City Code (1992) is amended by repealing Section 25-88 pertaining to Wastewater; construction and ownership of public sewer lines and related facilities maintained by the engineering department in its entirety:

~~Sec. 25-88. Wastewater; construction and ownership of public sewer lines and related facilities maintained by the engineering department.~~

~~(a) In all new subdivisions, developments, or tracts where public sewers are authorized by the Engineering Department, such public sewers and related facilities shall be constructed, at the expense of the owner, with plans approved by the engineering division, and review fees shall be paid as provided in the city code. Detailed plans and specifications for public sewer extensions must be approved by the Engineering Department prior to construction. The costs for the preparation of plans and specifications, the staking of the location of the new public sewers, the cost of inspecting the construction, the cost of acquiring rights of way and easements, and preparations of as-built plans shall be assumed by the owner. The city will perform the inspection during construction.~~

~~(b) The ownership of all public sewer lines, pumping stations, treatment facilities and equipment and other appurtenances to the sewer system, maintained or accepted for maintenance by the Engineering Department, shall be vested in the city.~~

SECTION 33. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-89 pertaining to Wastewater; extensions, construction, ownership, and maintenance which shall read as follows:

Sec. 25-89. Wastewater; extensions, construction, ownership, and maintenance.

(a) The extension of sewer mains and service taps shall be constructed in strict accordance with plans approved by City, and all review fees shall be paid as provided in the City Code. Main extensions and service taps shall be maintained by the Utilities Department up to the edge of pavement in improved areas and to the point of connection of the service tap to the sewer main in unimproved areas. Main extension and service taps shall be operated by the City as part of the collection system. The City shall exercise complete control over such extensions upon completion, and the property owner shall relinquish to the City all responsibility for the extension and rights to or interest in the

ownership of the extension. The property owner may request and/or the Utilities Director may authorize additions to or variances from the standards and specifications, if the Utilities Director determines such variance or addition is in the best interest of the City and the public health, safety, and welfare. All such additions or variances shall be in writing and shall be approved by the Utilities Director.

(b) The ownership of all extensions and service taps, upon acceptance by the Utilities Director, shall be vested in the City.

(c) All decisions of the Utilities Director under this Section may be appealed to the City Manager or designee. The appeal shall be in writing and shall specify the specific decision of the Utilities Director which is being appealed and the specific relief being requested. The decision of the City Manager or designee shall be final.

SECTION 34. Chapter 25 of the Peoria City Code (1992) is amended by repealing Section 25-89 pertaining to Wastewater; trunk sewer extensions in its entirety:

~~Sec. 25-89. Wastewater; trunk sewer extensions.~~
~~The city determines that the extension of trunk sewers to undeveloped areas is in the public interest. All such extensions shall comply with the provisions of this Chapter and Chapter 23 of this code.~~

~~(a) The city desires to facilitate the development of infrastructure to serve undeveloped areas through repayment of extra costs incurred in the construction of sewer mains that are necessary to serve new developments, in order to distribute the costs of extending such mains between two or more property owners. Sections 25-86 through 25-93 shall apply where a sewer main extension was constructed and financed by one person or entity and connected to or utilized at a later date by one or more persons or entities. For purposes of this chapter, a sewer main is defined as a main extended beyond the limits of the project or a main larger than 12 inches constructed through the project or a main constructed along the frontage or boundary of the development with the capacity to serve additional developments. The owner must pay all the costs for engineering design and construction of main sewers of such size as to afford adequate capacity and service for specific service areas to be served by city trunk sewers.~~

~~(b) The Engineering Department shall base the classification of an extension main on whether the size of the main is the maximum size required to serve all developments serviced by the extension main, including but not limited to that of the owner.~~

~~(c) The field engineering, plans and specifications required shall be prepared by the owner and approved by the Engineering Department prior to construction. The engineering costs for preparation of plans and staking of the main sewer only, which are incurred by the person, may be included as determined by the Engineering Department in the agreed construction costs as provided in this section.~~

~~(d) In new subdivisions, shopping centers, industrial tracts or similar developments, the owner shall furnish and install to city specifications all branch, lateral and main sewers, manholes and related facilities within the boundary of the designated area of the development.~~

~~(e) Costs of lateral and branch sewers and their appurtenances will not be included in the main sewer project agreement.~~

~~(f) The design and engineering shall be in accordance with the specifications of the city and must be approved by the Engineering Department prior to construction. The construction shall meet city specifications, requirements and approval will be subject to inspection by the Engineering Department during construction.~~

~~(g) The Engineering Department may require the construction of the main sewer to meet such additional specifications and requirements as he determines is in the best interest of the city and to protect the public health, safety and welfare.~~

SECTION 35. Chapter 25 of the Peoria City Code (1992) is amended by renumbering existing Section 25-79 pertaining to Wastewater; service outside City generally to Section 25-90 and which shall read as follows:

Sec. 25-90. Wastewater; service outside City generally.

(a) Any sewer connection made outside the corporate limits of the City shall be at the discretion of the City Council. City sewer service offered to users outside the city limits shall be offered by the City subject to compliance by the users with the terms of this article.

(b) For all places outside the corporate limits of the city not mentioned in this article where sewer service is rendered by the City, and for which no rate is specifically fixed, the rate to be charged, including a connection charge, shall be as fixed by the City Council.

SECTION 36. Chapter 25 of the Peoria City Code (1992) is amended by repealing Section 25-90 pertaining to Wastewater, Trunk Sewer Extensions; bid procedures; costs; connections; access control in its entirety:

~~Sec. 25-90. Wastewater, Trunk Sewer Extensions; bid procedures; costs; connections; access control.~~

~~(a) The project shall be bid in accordance with the provisions pertaining to public works projects contained in Title 34, Arizona Revised Statutes. The bids shall be opened in the office of the Engineering Department on a pre-determined date agreeable to the owner and the Engineering Department. The city and the owner reserve the right to reject any or all bids. The construction costs shall be determined prior to the commencement of construction and shall be approved by the engineering division. In the event that the agreed upon construction costs increase, the repayment agreement may be amended upon approval of the additional construction costs by the Engineering Department.~~

~~(b) Upon its completion, the main sewer line shall become the property of the city.~~

~~(c) The maximum area to be serviced by the proposed main sewer line and its ultimate branches and laterals shall be determined by the Engineering Department based on sewer capacity requirements.~~

~~(d) The city shall have sole and exclusive control of connections to the proposed main sewer line.~~

~~(e) Unless otherwise provided, all provisions of this code applicable to sewer services inside and outside city boundaries, including fees and charges shall apply to service under this Chapter.~~

~~(f) In the event that the area to be serviced by the person or entity is lesser in size than the maximum area to be serviced by the proposed main sewer line and its ultimate laterals, the main sewer line shall be designed, engineered, and constructed to serve the maximum area described. However, if the entire area to be serviced by the owner is the entire maximum service area of the main sewer line, then the owner shall not be entitled to repayment.~~

SECTION 37. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-91 pertaining to Wastewater; agreements; repayment agreements which shall read as follows:

Sec. 25-91. Wastewater; agreements; repayment agreements.

(a) The City and a property owner may execute a repayment agreement for certain projects. The project shall be bid in accordance with the provisions pertaining to public works projects contained in Title 34 of the Arizona Revised Statutes. The bids shall be opened at a location designated by the City on a pre-determined date agreeable to the property owner and the City. The City and the property owner reserve the right to reject any or all bids. The construction costs shall be determined prior to the commencement of construction and shall be approved by the City. In the event that the agreed-upon construction costs increase, the repayment agreement may be amended upon approval of the additional construction costs by the City.

(b) Upon completion of the project, the main sewer line shall become the property of the City.

(c) The maximum service area to be serviced by the proposed main sewer lines and its ultimate branches and laterals shall be determined by the Utilities Director based on sewer capacity requirements

(d) Upon entry into a repayment agreement with the City, the property owner may connect into existing City sewer lines with the approval of the Utilities Director in consideration for entering into the repayment agreement.

(e) The Utilities Director shall have sole and exclusive control of connections to any proposed sewer line.

(f) A repayment agreement will assist in establishing a reasonable charge to permit a connection. The connection charge will be calculated on a cost per frontage foot, using the agreed approach main construction costs and the extent to which new development is adjacent to the sewer line.

(g) The connection charge will be paid to the City, and the City agrees to repay such amounts to the property owner. Repayments shall be made by the City within sixty (60) days of receipt. The total of such repayments shall not exceed that portion of the agreed construction costs of the approach sewer line allotted to frontage outside the service area of the property owner. The repayment agreement shall terminate in ten years, or upon the repayment of the total amount in conformance with this Chapter, whichever is earlier. The City shall have the option to provide for repayment to the property owner by allowing a credit against sewer expansion fees due from the property owner to the City. The connection charge shall be paid into the sewer expansion fee account.

SECTION 38. Chapter 25 of the Peoria City Code (1992) is amended by repealing Section 25-91 pertaining to Wastewater; repayments; sewer lines in its entirety:

~~Sec. 25-91. Wastewater; repayment provisions, development agreement.~~

~~As a condition of imposing connection charges on owners benefitted by the extensions, the city and the owner shall enter into a repayment agreement which shall provide:~~

~~(a) Upon entry into a repayment agreement with the city, the owner shall have the right to connect into existing city trunk lines in consideration for their entry into the repayment agreement.~~

~~(b) The main sewer line is to be constructed by the owner in accordance with this chapter.~~

~~(c) In the event that the area to be serviced by the owner is smaller than the maximum area to be serviced by the proposed main sewer line and its ultimate branches and laterals, the city agrees to enter into an agreement with any party desirous of obtaining a connection to such main sewer line.~~

~~(d) Such an agreement will establish a reasonable charge to permit a connection. The connection charge will be based on a cost of flow of the area to be served, using the agreed main sewer line construction costs based on competitive bidding and maximum service area acreage to determine the cost of flow. The connection charge may also take into account the content of waste and any additional expenses the city may incur to meet industrial pre-treatment requirements.~~

~~(e) The amount of the connection charge will be paid to the city, which agrees to repay such amounts to the owner. Repayments shall be made by the city within sixty (60) days of receipt. The total of such repayments shall not exceed that portion of the agreed construction costs of the main sewer line allotted to acreage outside the service area of the developer. The repayment agreement shall terminate in ten (10) years or when the total amount provided for by this chapter is repaid, whichever is sooner. The city shall have the option to provide for repayment to the owner by allowing a credit against wastewater expansion fees due from the owner to the city. The connection charge shall be paid into the wastewater expansion fee account.~~

~~(f) Any connection charge under this chapter shall be in addition to all other taxes, wastewater expansion fees, sewerage rental and other charges applicable to owners of property within the repayment agreement owner's area. The connection~~

~~charge required under this chapter shall be paid prior to the acceptance of off site improvements by the city.~~

~~(g) Repayment agreements under this chapter shall allocate a specified amount of capacity in the extension main to the owner. The allocation of additional connections shall be subject to this allocation to the owner. The agreement shall additionally provide that the owner acknowledge that the minimum allocation of capacity may reduce the amount of reimbursement from subsequent connections.~~

~~(h) Repayment agreements under this chapter shall not include any branch or lateral sewer within the service area.~~

~~(i) An annual charge in an amount provided by the city code will be assessed by the city for the administration of each repayment agreement.~~

~~(j) Repayment agreements under this chapter shall designate the area subject to connection charges pursuant to a line extension approved by the Engineering Department.~~

~~(k) The city manager shall be authorized to enter into repayment agreements under this chapter. Such agreements shall be recorded in the office of the Maricopa County Recorder.~~

~~(l) Repayment agreements under this chapter may be assigned to subsequent owners of property who purchase or acquire the entire interest of the owner who entered into the repayment agreement and in accordance with the specific terms of the repayment agreement.~~

SECTION 39. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-92 pertaining to Wastewater; repayments; sewer lines which shall read as follows:

Sec. 25-92. Wastewater; repayments; sewer lines.

(a) Sewer main extensions shall be those mains subject to repayment and defined as any one or more of the following:

(1) Mains extended beyond the limits of the project, constructed through the project, or constructed along the frontage or boundary of the development;

(2) Mains which serve other property owners other than the owner who is developing the property; or

(3) Mains which are constructed to contain additional capacity to provide adequate flow above and beyond that required by the development based on the volume of flow and type of waste generated by the development.

(b) This Section shall apply where a wastwater line is extended by one property owner and connected to at a later date by one or more additional property owners. A property owner who extends a sewer line which provides a means of service to property owned by others may enter into an agreement with the City providing for repayment of a portion of the costs when the property abutting the sewer line extensions develops. The project shall be bid in accordance with the provisions pertaining to public works projects contained in Title 34 of the Arizona Revised Statutes. The bids shall be opened at a location designated by the City on a pre-determined date agreeable to the property owner and the City. The City and the property owner reserve the right to reject any or all bids. The construction costs shall be determined prior to the commencement of construction and shall be approved by the City. In the event that the agreed upon construction costs increase, the repayment agreement may be amended upon approval of the additional construction costs by the City.

(c) The City reserves the right to increase the diameter of the approach sewer mains above that needed to serve the individual property/development if it deems advisable, but under the condition that the City will assume the additional cost to increase the diameter of the sewer line above that which the property owner would incur for the approach sewer line required to serve the development.

(d) The final detailed plans and specifications for the sewer line extension must be approved by the City Engineer prior to construction. The engineering costs for the preparation of plans, specifications, and staking of the approach sewer line incurred by the property owner may be included in the agreed construction costs as provided for in this Section. The costs of distribution mains within the boundary of the project shall not be eligible for repayment.

(e) Agreements must be executed prior to construction of the wastewater main and shall run for a period not to exceed ten years from the date of execution by the City Engineer, who is authorized to execute the agreements in accordance with the provisions of this Code. The agreements shall automatically terminate at the end of a ten-year period or upon repayment of the total amount possible being repaid, whichever is earlier. The City will not approve and/or execute an agreement after construction or acceptance by the City of the wastewater main. There will be no repayments for buy-in assessments collected prior to receipt of the developer's request to enter into an agreement.

(f) Repayment will assist in establishing a reasonable charge to permit a connection. The connection charge will be made on a cost per frontage foot, using the agreed wastewater main construction costs (and the extent to which new development is adjacent to the wastewater main), less the repayment transaction fee established by the City Council to cover administrative costs associated with the repayment agreement.

(g) The City Engineer will determine the amount of footage to be reimbursed, and such determination will be made a part of the agreement. Such agreements must be recorded in the office of the Maricopa County Recorder.

(h) The City will make repayments within 60 days of receipt of payment from adjacent property owners. The developer to whom the reimbursement is to be made must be stated on the agreement at the time of execution and it will be the duty of the developer (the individual to whom reimbursement is to be made) to keep the City Engineer advised as to the correct mailing address, etc. for reimbursement. Repayment agreements under this Chapter may be assigned to subsequent property owners of property who purchase or acquire the entire interest of the original property owner who entered into the repayment agreement and in accordance with the specific terms of the repayment agreement.

(i) The City retains and reserves the right (and ability) to enter into separate special agreements to cover unique situations where a standard repayment agreement is not applicable.

(j) Where existing wastewater system lines within a development or along streets bounding the development are smaller in size than that required by this Code, or are otherwise inadequate, the property owner may be required to replace or parallel such lines with those of the required size.

SECTION 40. Chapter 25 of the Peoria City Code (1992) is amended by repealing Section 25-92 pertaining to Sewer extensions prior to a municipal improvement district or community facilities district in its entirety:

~~Sec. 25-92. Sewer extensions prior to a municipal improvement district or community facilities district.~~

~~(a) The owner may enter into an agreement with the city for the extension of sewer lines to serve their property which is located in an area designated by the Engineering Department for future installation of sewer lines and related facilities by a municipal improvement district or community facilities district.~~

~~(b) In order to qualify for payment, the sewer lines to be installed must be usable by a future assessment district, and the owner must agree that the assessable~~

~~area of any parcel or parcels immediately adjacent to and served by such lines will be included in the assessment district and will receive an assessment for which the owner will be liable, regardless of whether he sells part or all of the property to be assessed.~~

~~(c) The owner shall pay all construction costs, including engineering services. The design, location and construction must be approved by the city, and a permit must be secured from the Engineering Department. The contractor shall be duly licensed.~~

~~(d) The sewer lines installed by the owner will be held in trust by the city for a municipal improvement district or community facilities district. The agreed construction cost not exceed the actual cost for the lines will be written into the construction bid as a lump sum item and will become part of the construction cost for the municipal improvement district or community facilities district.~~

SECTION 41. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-93 pertaining Wastewater; system repair fees to which shall read as follows:

Sec. 25-93. Wastewater; system repair fees.

Any customer, developer, contractor, or other person who damages, cuts, destroys, or causes the need for repair to the City's wastewater collection system or any part thereof (i.e., mains, laterals, service connections, etc.) shall be held financially responsible for the cost of the repair. The City shall assess the responsible party for the cost of the repair in an amount in accordance with this Code.

SECTION 42. Chapter 25 of the Peoria City Code (1992) is amended by repealing Section 25-93 pertaining to Wastewater; repayment zones; applicability in its entirety:

~~Sec. 25-93. Wastewater; repayment zones; applicability.~~

~~Sections 25-86 through 25-93 shall not be construed to invalidate or prohibit the enforcement of any agreement entered into prior to the effective date of these sections. All such agreements shall be administered in accordance with the provisions of this chapter.~~

SECTION 43. Chapter 25 of the Peoria City Code (1992) is amended by renumbering and amending existing Section 25-77 pertaining to Wastewater; Enforcement Response Plan to Section 25-94 and which shall read as follows:

Sec. 25-94. Wastewater; Enforcement Response Plan.

(a) The Director shall promulgate an enforcement response plan to enforce compliance with this chapter: the enforcement response plan shall require at a minimum:

(1) Notice of violation served upon the party within thirty (30) days after the violation.

(2) Automatically imposed requirements of additional industrial user self monitoring.

(3) Unannounced inspection by the ~~c~~City.

(4) Issuance of administrative orders requiring compliance.

(5) Follow up review.

(6) Notice and show cause hearings for continued violation.

(b) Three copies of the enforcement response plan shall be kept on file in the office of the Director, City Clerk and City Attorney.

SECTION 44. Chapter 25 of the Peoria City Code (1992) is amended by renumbering existing Section 25-80 pertaining to Wastewater; termination of service for violations; restoration of service to Section 25-95 and which shall read as follows:

Sec. 25-95. Wastewater; Termination of service for violations; restoration of service.

Violation of this article is sufficient cause for the city to discontinue water or sewer service to any premises. Such service shall not be restored until the violations have been discontinued or eliminated and all outstanding charges paid. The discontinuance of sewer service shall be accomplished by physically cutting and blocking the building connection. A charge in the amount established by ordinance or resolution shall be paid to the city for reconnecting the sewer service.

SECTION 45. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-96 pertaining to Sewer development fee which shall read as follows:

Sec. 25-96. Wastewater; Sewer development fee.

(a) For single-family residences, multiple-family units, and commercial, industrial and institutional facilities connected or to be connected to the City's public waste water system a sewer development fee in addition to other sewer charges shall be charged. The

fee to be charged for single-family residences and the fee to be charged for multiple-family dwelling units shall be based on an equivalent dwelling Unit basis in accordance with Table 25-95.1. In this section:

(1) *Multiple-family dwelling unit* means a mobile home space within a mobile home park, a travel trailer space within a travel trailer park, a hotel, motel, rest home, hospital, apartment, condominium, and any other building in which more than one (1) family may reside either temporarily or on a permanent basis.

(2) *Institutional facility* includes any public and private school, college, university, charity relief or rehabilitation center or church.

(3) *Single-family residence* means any unit attached or unattached in which only a single-family may reside other than on a unit defined as a multiple-family dwelling unit.

(b) The sewer development fee shall be used to offset costs to the City associated with providing for the expansion of the City's public waste water system for the purpose of providing necessary services to the residences, units and facilities against which the fee is charged. Expansion to the City's waste water system includes but is not limited to, acquisition, construction and expense of waste water treatment plants, trunk lines to transport waste water, lift stations, debt service and other expenses or improvements related to the public waste water system.

(c) The sewer development fee charged in unincorporated areas to connect to the public wastewater system operated by the city, shall be the fee charged in the city, plus an additional factor as determined by the City Manager or his designee on an annual basis to reflect municipal contributions not charged in unincorporated areas. The City Manager or his designee may establish a sewer development fee in those portions of the City not designated as part of any area.

(d) The fee shall become due and payable to the City at such time as a building permit is issued for the unit, commercial or industrial project that will be connected to the public waste water system. For spaces in a mobile home or travel trailer park or multi-family housing, the sewer development fee shall become due and payable for all units at the time the first building permit is obtained for the construction of the project. For all other situations, the sewer development fee shall become due and payable as follows:

(1) An existing property within the city not connected to the public wastewater system requests to connect to the public wastewater system, or

(2) A property outside of the City not connected to the public wastewater system requests to connect to the public wastewater system.

See Table 25-95.1

(e) A separate fund shall be kept and maintained for the waste water system development fees into which the moneys collected from developments shall be deposited and accounted for. The fees deposited to each such account shall be used only for uses provided for in this section and result in a beneficial use to development. The moneys in the separate account may be used by the city for the uses contemplated by this section without regard to the situs of such improvements, facilities or work to be performed so long as such expenditures result in a beneficial use to development from which they were collected.

(f) For each non residential use, a presumptive equivalent dwelling use shall be established based upon the Average Daily Sewage Flow established by the Arizona Department of Environmental Quality as set forth in Table 25-95.2. Any person may request the Utilities Director to review the presumptive equivalent dwelling use based on the following:

(1) Water Use Records for a period not less than twelve months from other similarly sized facilities located in the Southwestern United States owned or operated by the applicant.

(2) A fixture units analysis for the use that equates the total number of fixture units to an equivalent dwelling unit basis and done in accordance with generally accepted professional standards.

Upon receipt of the above, the Utilities Director shall establish a new equivalent dwelling use and shall notify the applicant and Community Development Department in writing.

(g) Applications for credits and offsets against water system development fees imposed under this section shall be made in the manner provided by Section 20-54 of this Code.

SECTION 46. Chapter 25 of the Peoria City Code (1992) is amended by renumbering and amending existing Section 25-81 pertaining to Interference with City employees; digging up streets without permit; tampering with equipment prohibited to Section 25-97 and which shall read as follows:

Sec. 25-97. Interference with ~~Public Works Department~~ City employees; digging up streets without permit; tampering with equipment prohibited.

Every person who shall in any way interfere with employees of the ~~Public Works Department~~ City in any discharge of their duties, either in the tapping of any sewer pipe, main, or lateral belonging to the City, or the cleaning, laying, or connection of any such pipe or main or lateral, or who shall dig up or cause to be dug up, any street or alley in the City for the purpose of connecting with the sewer system of the City without first obtaining a permit from the City Engineer, or who, having a permit, shall dig up any portion of any street or alley of the City for the purpose of connecting with the sewer system of the City, and shall fail or neglect to place the street or alley in its original condition, or who shall maliciously or willfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the municipal sewer system shall be guilty of a misdemeanor.

SECTION 47. Chapter 25 of the Peoria City Code (1992) is amended by renumbering existing Section 25-83 pertaining to Wastewater; unsanitary disposal of excrement prohibited to Section 25-98 and which shall read as follows:

Sec. 25-98. Wastewater; unsanitary disposal of excrement prohibited.

It shall be unlawful for any person to deposit, or permit to be deposited, in an unsanitary manner, upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement or other objectionable waste.

SECTION 48. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-99 pertaining to Wastewater; authority of the Utilities Director; authority of Utilities Director to require Best Management Practices and which shall read as follows:

Sec. 25-99. Wastewater; authority of the Utilities Director; authority of Utilities Director to require Best Management Practices.

The Utilities Director is authorized to enforce POTW user compliance with the requirements of this Chapter. In carrying out this responsibility, the Utilities Director has authority to:

(a) Issue or amend (as applicable) class a and class b wastewater discharge permits within sixty (60) days of receiving the application for such permit or amended permit. Once issued, a permit:

(1) Will be for a period of time not to exceed ~~five (5)~~ two years. A permit may be terminated by revocation by the Utilities Director or upon voluntary surrender of the permit by the permittee at an earlier date;

(2) Is non-transferable by the permittee;

(3) Will specifically identify all applicable discharge prohibitions and limitations which the Utilities Director will enforce;

(4) May be amended as deemed appropriate by the Utilities Director;

(5) May contain monitoring requirements;

(6) May contain reporting requirements;

(7) May contain requirements for installation and maintenance of inspection and sampling facilities;

(8) May contain required notifications;

(9) May contain requirements for a plan to control slug discharges and spills. The plan shall contain at a minimum:

(i) A description of discharge practices, including non-routine batch discharges; and
(ii) A description of stored chemicals; and
(iii) Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containments structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

(10) May require implementation of Best Management Practices to reduce or eliminate the amount of pollutants discharged to the POTW;

(11) May contain requirements to control or reduce the concentrations of any of the substances identified in this Code through the use of Best Management Practices;

(12) May contain standard permit conditions;

(13) May contain other conditions and requirements as deemed reasonably necessary by the Utilities Director to prevent pass through or interference, to protect the quality of the water body receiving the treatment plant's effluent, to protect worker health and safety, to facilitate sludge management and disposal, to protect against damage to the POTW.—and to ensure user compliance with this Chapter, and state and federal laws, rules and regulations.

(b) A permit may be revoked by the Utilities Director for good cause, including, but not limited to:

(1) Failure to notify the Utilities Director of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the Utilities Director of changed conditions pursuant to Section 25-144;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the Utilities Director timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

(8) Failure to pay fines and penalties;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater survey or the permit application;

(12) Failure to provide advance notice of the transfer of business ownership of permitted facility; or

(13) Violation of any pretreatment standard or requirement, or any terms of the permit or requirement of this chapter.

(c) Incorporate the pertinent requirements of this Chapter into every city contract with any POTW user located outside of the municipal jurisdiction of the City. Such contracts may also provide for liquidated damages and, if applicable, specific performance as remedies for breach of contract.

(d) Receive and analyze all self-monitoring reports and notices submitted by industrial users.

(e) Randomly sample and analyze effluent from POTW users and conduct those surveillance and inspection activities needed to identify, independently of any information supplied by such users, occasional or continuing non-compliance with any categorical standard or pretreatment requirement.

(f) Investigate instances of non-compliance with any categorical standard or pretreatment requirement when notice of any actual or probable non-compliance has been received by the Utilities Director.

(g) Notify POTW users of non-compliance with categorical standards or pretreatment requirements discovered by the Utilities Director. Such notice shall also contain demand for any appropriate corrective action, which is necessary to meet the applicable requirements of this Chapter. Any POTW user will be allowed opportunity to respond to an order of the Utilities Director before any enforcement action against such user is initiated, unless the discharge is a threat to the public health, safety and welfare, in which case the Utilities Director may initiate enforcement action without giving notice.

(h) Comply with the public participation requirements of 40 CFR Part 25 and Arizona Revised Statutes §49-391 in connection with the City's enforcement of any pretreatment standards and requirements.

(i) Impose appropriate penalties for non-compliance with any or all of the following:

(1) Suspension or revocation of any industrial user permit for the failure of an industrial user to comply with the pertinent requirements of such permit;

(2) Termination of POTW services;
(3) Restricting or otherwise limiting allowable discharges;

(4) Requesting that the City attorney commence criminal and/or civil action against any user violating any requirement of this Chapter.

(j) The Utilities Director shall:

(1) Determine which actual or threatened discharge to the POTW will cause interference with the POTW or will present (or may present) an imminent or substantial endangerment to the health or welfare of any person and/or to the environment;

(2) Abate any actual or threatened discharge which would violate any categorical standard or pretreatment requirement imposed by this Chapter. This may include plugging or disconnecting any sewer service connection to the POTW;

(3) Correct or mitigate any injury to the environment, the POTW or to any other property as a result of any discharge in violation of a categorical standard or pretreatment requirement imposed by this Chapter.

(k) Annually publish, in the largest daily newspaper published in the City, public notice of all industrial users who at least once during the prior calendar year were in significant noncompliance (SNC). SNC is determined by any time during the year, except that for chronic and TRC violations, SNC is determined at the beginning of each quarter using the prior six (6) months. Thus, chronic and TRC SNC is determined four (4) times during the year and the total evaluation period covers fifteen (15) months (i.e., beginning with the last quarter of the previous year through the end of the current year). The notification shall also summarize any enforcement actions taken against such users during the same twelve (12) month period.

(l) Notify industrial users of applicable pretreatment standards and any applicable requirements under Section 204(b) and 405 of the Clean Water Act and subtitles C and D of the Resource Conservation and Recovery Act.

(m) The Utilities Director shall maintain one (1) copy of all federal statutes, rules and regulations cited by this Chapter in order to allow regulated users adequate opportunity to review the applicable federal requirements that are herein incorporated by reference.

(n) The Utilities Director has the authority to require individual users or class of users to implement Best Management Practices for any pollutant.

(o) All affected individual users or class of users shall comply with any Best Management Practices required by the Utilities Director.

(p) The Utilities Director shall have the ability to discontinue individual users or class of users water service for failure to comply with the requirements of this Chapter.

SECTION 49. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-100 pertaining to Wastewater; discharges; prohibited substances and which shall read as follows:

Sec. 25-100. Wastewater; discharges; prohibited substances.

(a) It shall be unlawful for any person to discharge or cause to be discharged to the sanitary sewers:

(1) Any storm water, surface water, ground water, roof runoff, surface drainage, cooling water or unpolluted process waters that may constitute inflow as defined in this Chapter.

(2) Pollutants which create a fire or explosion hazard to the system or POTW with a flashpoint limit or less than 140° Fahrenheit or 60° Centigrade (using the test methods specified in 40 CFR 261.21).

(3) Solid or viscous pollutants, animal fats, oils and grease, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass-through or that may cause obstruction to the flow in sewers or other damage to the POTW.

(4) Any waters or wastes containing toxic, radioactive, 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 sewerage system or in receiving waters of the POTW or pollutants which result in the presence of toxic gases, vapors of fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(5) Any water with a pH less than 5.0 standard units (S.U.) or greater than 10.5 S.U. However, the Utilities Director shall have the authority to adopt, implement and enforce a policy on waivers from the pH low and high limits.

(6) Any waters with a temperature greater than ~~150° Fahrenheit, or 66° Centigrade~~ 150F = 65.49C or 66C = 150.8F, or heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no event heat in such quantities that the temperature at the headworks of the POTW treatment plant exceeds 104° Fahrenheit (40° Centigrade).

(7) Any water or waste exceeding the limits for the substances (shown on Table 25-100) that are expressed in the total form except if otherwise stated:

SEE TABLE 25-100

(b) Provide all of the pretreatment necessary to comply with the categorical standards, pretreatment requirements and Best Management Practices imposed by this Chapter.

(c) The Utilities Director shall issue and enforce, through the issuance of wastewater contribution permits, other prohibitions and limitations required by state and federal law, or as the Utilities Director deems necessary.

(d) There shall be no new connections from inflow sources as defined in this Chapter into the POTW.

SECTION 50. Chapter 25 of the Peoria City Code (1992) is amended by renumbering existing Section 25-84 pertaining to Wastewater; treatment of polluted wastes required to Section 25-108 and which shall read as follows:

Sec. 25-108. Wastewater; treatment of polluted wastes required.

It shall be unlawful to discharge without a City permit to any natural outlet within the City, or in any area under the jurisdiction of the City and/or to the POTW, any wastewater, industrial wastes, or other polluted waters, except where suitable treatment has been provided and as authorized by the director in accordance with the provisions of this Code.

SECTION 51. Chapter 25 of the Peoria City Code (1992) is amended by renumbering existing Section 25-85 pertaining to Wastewater; private sewage disposal systems to Section 25-109 pertaining to Wastewater; private sewage disposal systems, connection with sewer system and which shall read as follows:

Sec. 25-109. Wastewater; private sewage disposal systems, connection with sewer system.

It is the City's intent to have all properties with the City's sewer service area to be connected to the City's wastewater collection system.

(a) Except as provided in this chapter, it is unlawful to construct or maintain within the city any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(b) It shall be unlawful to construct or maintain within the City any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage on a parcel less than 43,560 square feet in size, without a private sewage disposal permit

issued by the ~~city~~ County. If such a permit is granted by County, t~~T~~he ~~engineer~~ Utilities Director may impose conditions upon the issuance of the building permit including but not limited to the installation of dry sewer lines, construction of a package sewer plant or development of a community sewage disposal system. ~~The permit shall be for a period not to exceed three years and shall not be renewed upon a public sanitary sewer system becoming available in accordance with this chapter. For those private disposal systems constructed prior to January 1, 1995, a private sewage disposal system permit shall be obtained upon any repair, rehabilitation or modification of the private sewage disposal system costing in excess of one hundred ($100.00) Dollars.~~

(c) All development within the City's wastewater service area and within a quarter of a mile (1,320 feet) from a City sewer line is required to connect to the City's sewer system. The extension of a City sewer line and the connection to the City's sewer line will be constructed in accordance with City standards and City approved plans. Such extension and connection shall be the sole financial responsibility of the developer and/or customer. The connection to the City's sewer system and the extension of the sewer line are a condition of issuance of a building permit. The Utilities Director will have discretion to allow variances to this requirement for single lot residential developments if such development is on a major arterial road or if the connection is determined not to be feasible.

(d) At such time as a public sewer system becomes available to the property served by a private sewage disposal system, the Utiliites Director shall notify each property owner that a direct connection shall be made to the public sewer in accordance with the provisions of this Code.

(~~c~~e) Where a public sanitary sewer is not available within the ~~c~~City, or in any area under the jurisdiction of the ~~c~~City, the building sewer shall be connected to a private sewage disposal system, permitted ~~by the city~~ and complying with the rules and regulations of the state and county. A private sewage disposal system shall be constructed, maintained and operated at all times in a sanitary manner and in accordance with the terms of any private sewage disposal system permit issued by the ~~city~~ state and county.

~~(d) At such time as a public sewer system becomes available to the property served by a private sewage disposal system, the director shall notify each property owner that a direct connection shall be made to the public sewer in accordance with the provisions of this chapter and any septic tank, cesspool or permitted private disposal system. For purposes of this section it shall be presumed that a public sewer is available to the property if the public sewer has available capacity and is within 1,320 feet of the property.~~

(ef) None of the provisions of this section shall be construed to interfere with any additional requirements that may be imposed by the state and county.

SECTION 52. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-135 pertaining to Pretreatment, purposes and policy and which shall read as follows:

Sec. 25-135. Pretreatment, Purposes and Policy.

Chapter 25 sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Peoria, Arizona, and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977, and the General Pretreatment Regulations (40 CFR Part 403).
The objectives of this chapter are:

(a) To prevent the introduction of pollutants into the Municipal Wastewater System which will interfere with the operation of the system, including treatment facilities, or contaminate the resulting sludge.

(b) To prevent the introduction of pollutants into the Municipal Wastewater System which will pass through the system inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system.

(c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

(d) To provide for equitable distribution of the cost of the Municipal Wastewater System. Chapter 25 provides for the regulation of direct and indirect contributors to the Municipal Wastewater System through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers capacity will not be pre-empted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. Chapter 25 shall apply to the City of Peoria, Arizona, and to persons outside the City of Peoria who are, by contract or agreement with the City, users of the POTW. Except as otherwise provided herein, the Director of Utilities and Director of Engineering shall administer, implement, and enforce the provisions of this code.

SECTION 53. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-142 pertaining to Accidental discharge and which shall read as follows:

Sec. 25-142. Accidental Discharge.

(a) Each user shall provide protection from accidental discharge or prohibited materials or other substances regulated by this Code. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the director for review and shall be approved by the director before Construction of the facility. No user who commences contribution to the POTW after the effective date of this Code shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the director. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the user's facility as necessary to meet the requirements of this Code. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions. The director shall once every two years evaluate each significant industrial user to determine the need of a slug control plan as per 40 CFR 403.8.

(~~a~~b) Written Notice. Within five (5) days following an accidental discharge, the User shall submit to the ~~Superintendent~~ Utilities Director a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to persons or property; not shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Code or other applicable law.Within five (5) days following an accidental discharge, the User shall submit to the ~~Superintendent~~ Utilities Director a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to persons or property; not shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Code or other applicable law.

(~~b~~c) Notice to Employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

SECTION 54. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-145 pertaining to Federal Categorical Pretreatment Standards and which shall read as follows:

Sec. 25-139. Federal Categorical Pretreatment Standards.

Upon the promulgation of the 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 at least biannually. tThe national categorical standards found in 40 CFR chapter I, subchapter N, parts 405-471 are incorporated by reference into this ordinance and made a part hereto.

SECTION 55. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-145 pertaining to Wastewater contribution permits; applications and which shall read as follows:

Sec. 25-145. Wastewater contribution permits; applications.

(a) Permit Applications. Users required to obtain a Wastewater Contribution Permit shall complete and file with the city, an application in the form prescribed by the city, and accompanied by a fee as contained in this code. Existing Users shall apply for a Wastewater Contribution Permit within 30 days after the effective date of this Code, and proposed new Users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

(1) The name and address of the facility including the name of the operator and owners;

(2) A list of any environmental control permits held by or for the facility;

(3) A description of the nature, average rate of production, and standard classification of the operations carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;

(4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams as necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e);

(5) Identify the pretreatment applicable to each regulated process along with the results of sampling and analysis identifying the nature and concentration of

regulated pollutants. Samples shall be representative of daily operations as defined in 40 CFR 403.12(b)(v)(iii) and (iv);

(b) Certification. The application for a Wastewater Contribution Permit shall include the following certification statement defined in 40 CFR 403.6(a)(2)(ii) and shall be signed as defined in 40 CFR 403.12(l).

> 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 they system, or those persons directly responsible for gathering the information, the information 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.

(c) Signatory requirements for industrial user reports. The reports required by paragraphs by this Section shall include the certification statement as set forth in 40 CFR, 403.6(a)(2)(ii), and shall be signed as follows:

(1) For a corporation: by a corporate officer or other persons performing a similar policy or decision-making function for the corporation;

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a governmental entity: by the administrator, chairman, director, or principal executive responsible for operations at the facility.

(4) Ensure that all applications, correspondence, reports, and self-monitoring reports are signed by a duly authorized representative of the person described in this paragraph. Any change in signatures or positions shall be submitted to the Director in writing within 30 days after the change.

A person is a duly authorized representative only if:

(i) The authorization is made in writing by a person described in subparts 1-3 of this paragraph; and

(ii) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or

activity, such as the position of plant manager, ~~superintendent~~ supervisor, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

(d) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this Code, and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

(1) A unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(2) Limits on the average and maximum wastewater constituents and characteristics;

(3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(4) Requirements for installation and maintenance of inspection and sampling facilities;

(5) Specification for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for testing and reporting schedule;

(6) Compliance schedule;

(7) Requirements for submission of technical reports or discharge reports and requirements to notify the city within twenty four (24) hours of becoming aware of any violations and to re-sample within 30 days.

(8) Requirements for notification to the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents. Prior to being introduced into the wastewater treatment system notification of changes in discharge is required by all industrial users, whether or not they are permitted.

(9) Requirements for notification for slug discharges;

(10) The director shall once every two years evaluate each significant industrial user to determine the need of a slug control plan as per 40 CFR 403.8(F)(a)(2)(V).

(11) The permit shall indicate that all of the requirements of this Code, together with any administrative regulations issued pursuant to this chapter are incorporated by reference as if set forth in their entirety on the permit.

(12) Other conditions as deemed appropriate by the city to insure compliance with this code.

(e) Record Keeping Requirements. A User shall maintain records of all information resulting from any monitoring activities required by this Chapter. Such records shall include for all samples:

(1) The date, exact place, method, and time of sampling and the names of the person or person taking the samples.

(2) The dates analyses were performed and by whom. Also, the analytical techniques/methods used and the results of such analyses.

(3) User shall be required to retain for a minimum of three years any records of monitoring activities and results, and shall make such records available for inspection and copying by the director. This period of retention shall be extended during the course of any unresolved litigation regarding the user or when requested by the director.

(f) Reporting Requirements for Users upon effective date of categorical pretreatment standard - Baseline Monitoring Report (BMR).

~~(1)~~ Within 180 days after the effective date of the categorical Pretreatment Standard or 180 days after the final administrative decision made upon a category determination submission, whichever is later, existing users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the Control Authority a report which contains the information listed in 40 CFR 403.12(b)(1)-(7). Where reports containing this information have already been submitted to the Director in compliance with the requirements of 40 CFR 128.140(b)(1977), the User will not be required to submit this information again. At least 90 days prior to commencement of discharge, New Sources and sources that become Users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Control Authority a report that contains the information listing in 40 CFR 403.12(b)(4) and (5).

(g) Hazardous Waste Notification.

(1) Notify the Director, the EPA Regional Wastewater Management Division Director, and State Hazardous Waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA Hazardous Waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such wastes~~r~~ per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user. An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharge during the following twelve months. All notifications must take place within 180 days of the effective date of this ordinance. Industrial users who commence discharging after the effective date of this ordinance shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).

(2) Discharges are exempt from the requirements of subpart (i) of this paragraph during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the Director of the discharge of such substance within 90 days of the effective date of such regulations.

(4) In the case of any notification made under this paragraph, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable and that it has selected the method of treatment, storage, or

disposal currently available which minimizes the present and future threat to human health and the environment.

SECTION 56. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-149 pertaining to Periodic compliance reports and which shall read as follows:

Sec. 25-149. Periodic Compliance Reports.

(a) Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standards or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the ~~superintendent~~ Utilites Director during the months of June and December, unless required more frequently in the Pretreatment Standard or by the ~~superintendent~~ Utilites Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a records of all daily flows which during the reporting period exceeded the average daily flow reported. At the discretion of the ~~superintendent~~ Utilites Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the ~~superintendent~~ Utilites Director may agree to alter the months during which the above reports are to be submitted.

(a) The ~~superintendent~~ Utilites Director may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Paragraph (1) of this section shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature, and concentration, or production and mass where requested by the ~~superintendent~~ Utilites Director, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136, and amendments thereto, or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR, Part 136, does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.

(b) This Periodic Compliance Report shall include the certification statement and be signed described in Section 25-148.

(d) Compliance schedule for meeting categorical pretreatment standards. The following conditions shall apply to the schedule required by 40 C.F.R. 403-12(c).

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (e.g., Hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction , completing construction, etc.)

(2) No increment referred to in paragraph (d)(1) of this subsection shall exceed nine (9) months.

(3) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the control authority.

(e) All industrial users shall notify, in writing, the POTW, the state, and EPA of any discharge which would be considered a hazardous waste, if disposed of in a different manner.

SECTION 57. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-176 pertaining to Traps/Interceptors -- Violations and which shall read as follows:

Sec. 25-176. Traps/Interceptors -- Violations.

(a) It shall be unlawful and a violation of the Peoria City Code for any person(s) under any conditions to:

(1) Fail to properly install and maintain any required trap or interceptor to protect the sewer lines of the City of Peoria.

(2) Fail to correct any improperly sized or any malfunctioning trap or interceptor.

(3) Enter into the city sewer lines anything as per Section 25-138.

APPROVED AS TO FORM:

Stephen J. Burg for
Stephen M. Kemp, City Attorney

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Effective Date: _____

(4) Fail to comply with corrective or initial installation process as per the Community Development Department ~~of~~, Building Safety Division and the requirements of this chapter.

(5) Fail to protect any life from within any structure or on any premises by omitting, failing to repair, disregarding or rendering useless, any trap or interceptor.

(b) Fines, Penalties, Legal Action

(1) In any case involving a violation of sections 25-171 - 25-176, all fines, penalties and/or legal actions shall be as provided in of Chapter 25 of this Code.

(2) The city attorney may commence an action for injunctive relief in a court of competent jurisdiction to prevent or remedy a violation of this chapter.

SECTION 58. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 59. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 2nd day of December, 2008.

Dated: December 7 2008 Bob Barrett

Bob Barrett, Mayor

ATTEST:

Mary Jo Kief

Mary Jo Kief, City Clerk

CITY OF PEORIA