

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: 3C
Amend No. _____

Date prepared: September 20, 2009

Council Meeting Date: October 20, 2009

TO: Carl Swenson, City Manager
THROUGH: Susan Thorpe, Deputy City Manager *Tom for S.T.*
FROM: William Mattingly, Public Works-Utilities Director *WJM*
PREPARED BY: Robin Bain, P.E., DEE, Water Resources Manager
SUBJECT: Ordinance amending Chapter 25 of the Peoria City Code pertaining to the Industrial Pretreatment Program.

RECOMMENDATION:

That the Mayor and Council adopt the ordinance amending Chapter 25 of the Peoria City Code (1992) pertaining to the Industrial Pretreatment Program including purposes and policies; Federal Categorical Pretreatment Standards; prohibited discharge of certain wastes; authority of the Director; best management practices; wastewater contribution permits; enforcement, penalties and fines; notice of violation/repeat sampling and reporting; and local limits updates.

SUMMARY:

In July 2008 the City of Peoria commissioned its Butler Drive Water Reclamation Facility (Butler WRF). In accordance with its Arizona Pollutant Discharge Elimination System (AzPDES) permit, the City has submitted an updated Pretreatment Plan and related documents for approval with the Arizona Department of Environmental Quality (ADEQ). The Pretreatment Plan, as required under the Federal Pretreatment Regulations (40 CFR Part 403), addresses Categorical Industrial Users and Standards, prohibitions of certain wastes, compliance and enforcement, local limits, permitting and authorities, and best management practices.

The proposed code amendment would add sections to Chapter 25 specifically addressing the required issues, and repealing those as necessary to conform to the updated Pretreatment Plan and provide the necessary authority for the City to enforce such requirements.

CITY CLERK USE ONLY:

- Consent Agenda
- Carry Over to Date: _____
- Approved
- Unfinished Business (Date heard previous: _____)
- New Business
- Public Hearing: No Action Taken

ORD. # 09-39 RES. # _____
LCON# _____ LIC. # _____
Action Date: _____

This ordinance will ensure we are compliant with our approved Pretreatment Plan. The ordinance is important because it allows the City to accommodate additional types of commercial and industrial customers while providing the required protection to the City's Public Works-Utilities staff, its collection system, its Water Reclamation Facilities' (WRF) operations and ability to meet permit standards. The ordinance will update the City's local limits based on more recent EPA and ADEQ guidance, WRF permit standards and operating data. Additionally, the ordinance clarifies prohibited wastes, industrial permitting application and compliance, and expands enforcement authority including penalties and fines, consistent with more recent EPA and ADEQ guidance.

The Office of the City Attorney participated in the drafting of the Ordinance and recommends that it be approved.

ATTACHMENT:

1. Proposed Ordinance

ORDINANCE NO. 09-39

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 25-76 PERTAINING TO WASTEWATER; DEFINITIONS; REPEALING SECTION 25-94 PERTAINING TO WASTEWATER; ENFORCEMENT RESPONSE PLAN; AMENDING SECTION 25-134 PERTAINING TO WASTEWATER PRETREATMENT; ABBREVIATIONS; AMENDING SECTION 25-135 PERTAINING TO WASTEWATER PRETREATMENT, PURPOSES AND POLICY; REPEALING SECTION 25-136 PERTAINING TO CITY'S RIGHT OF REVISION AND REPLACING IT WITH RENUMBERED AND AMENDED SECTION 25-99 PERTAINING TO WASTEWATER PRETREATMENT; AUTHORITY OF THE DIRECTOR; BEST MANAGEMENT PRACTICES; AMENDING SECTION 25-138 PERTAINING TO DISCHARGE OF CERTAIN WASTES PROHIBITED; AMENDING SECTION 25-139 PERTAINING TO WASTEWATER PRETREATMENT; FEDERAL CATEGORICAL PRETREATMENT STANDARDS; STATE PRETREATMENT STANDARDS; LOCAL LIMITS; AMENDING SECTION 25-141 PERTAINING TO WASTEWATER PRETREATMENT; PROHIBITION AGAINST DILUTION; AMENDING SECTION 25-142 PERTAINING TO WASTEWATER PRETREATMENT; ACCIDENTAL DISCHARGE; SLUG CONTROL PLANS; REPEALING SECTION 25-143 PERTAINING TO PRELIMINARY TREATMENT – REQUIRED APPROVAL AND REPLACING IT WITH A NEW SECTION 25-143 PERTAINING TO WASTEWATER PRETREATMENT; CERTIFICATION STATEMENTS; AMENDING SECTION 25-144 PERTAINING TO WASTEWATER PRETREATMENT; WASTEWATER CONTRIBUTION PERMITS; AMENDING SECTION 25-145 PERTAINING TO WASTEWATER PRETREATMENT; WASTEWATER CONTRIBUTION PERMITS; APPLICATIONS; AMENDING SECTION 25-146 PERTAINING TO WASTEWATER PRETREATMENT; WASTEWATER CONTRIBUTION PERMITS; MODIFICATIONS; TRANSFERS;

REVOCATIONS; REISSUANCE; AMENDING SECTION 25-147 PERTAINING TO WASTEWATER PRETREATMENT; WASTEWATER CONTRIBUTION PERMITS; PERMIT ISSUANCE; AMENDING SECTION 25-148 PERTAINING TO WASTEWATER PRETREATMENT; COMPLIANCE DATE REPORT; AMENDING SECTION 25-149 PERTAINING TO WASTEWATER PRETREATMENT; PERIODIC COMPLIANCE REPORTS; AMENDING SECTION 25-151 PERTAINING TO WASTEWATER PRETREATMENT; INSPECTION; SAMPLING AND ANALYTICAL PROCEDURES; AMENDING SECTION 25-152 PERTAINING TO WASTEWATER PRETREATMENT; PRETREATMENT REQUIRED; AMENDING SECTION 25-153 PERTAINING TO CONFIDENTIALITY OF INFORMATION; AMENDING SECTION 25-159 PERTAINING TO WASTEWATER PRETREATMENT; NOTIFICATION OF VIOLATION; AMENDING SECTION 25-160 PERTAINING TO WASTEWATER PRETREATMENT; ADMINISTRATIVE HEARING; ORDERS; FINES; AMENDING SECTION 25-161 PERTAINING TO WASTEWATER PRETREATMENT; ENFORCEMENT GENERALLY; AMENDING SECTION 25-162 PERTAINING TO WASTEWATER PRETREATMENT; CIVIL PENALTIES AND INJUNCTIVE RELIEF; AMENDING SECTION 25-163 PERTAINING TO WASTEWATER PRETREATMENT; CRIMINAL PENALTIES; AMENDING SECTION 25-171 PERTAINING TO INTERCEPTORS -- REQUIRED; AMENDING SECTION 25-172 PERTAINING TO INTERCEPTORS - TYPE, CAPACITY, LOCATION; AMENDING SECTION 25-173 PERTAINING TO INTERCEPTORS - CONSTRUCTION OF GREASE AND OIL INTERCEPTORS; AMENDING SECTION 25-174 PERTAINING TO INTERCEPTORS -- MAINTENANCE; AMENDING SECTION 25-175 PERTAINING TO CONTROL MANHOLES; AMENDING SECTION 25-176 PERTAINING TO TRAPS/INTERCEPTORS -- VIOLATIONS; ENACTING SECTION 25-177 PERTAINING TO HAULED WASTEWATER; ENACTING SECTION 25-178 PERTAINING TO REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS; ENACTING SECTION 25-179 PERTAINING TO REPORTS OF CHANGED CONDITIONS; ENACTING SECTION 25-180 PERTAINING TO REPORTS OF POTENTIAL PROBLEMS; ENACTING SECTION 25-181 PERTAINING TO REPORTS FROM UNPERMITTED USERS; ENACTING SECTION 25-182 PERTAINING TO NOTICE OF VIOLATION/REPEAT

SAMPLING AND REPORTING; ENACTING SECTION 25-183 PERTAINING TO PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE; ENACTING SECTION 25-184 PERTAINING TO UPSET; ENACTING SECTION 25-185 PERTAINING TO PROHIBITED DISCHARGE STANDARDS; ENACTING SECTION 25-186 PERTAINING TO BYPASS; 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 25-76 pertaining to Wastewater; definitions and which shall read as follows:

Wastewater

Sec. 25-76. Wastewater; definitions.

For purposes of the Wastewater (including Pretreatment) sections 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" means the Federal Water Pollution Control Act, also known as the Clean wWater aAct, as amended, 33 U.S.C. 1251, et. seq.

Approval authority means ~~the director in a national pollution discharge elimination system (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~~ Arizona Department of Environmental Quality (ADEQ), City, or any other authority responsible for the administration and enforcement of all applicable Federal, State, and City laws, including the Act, the general Pretreatment Regulations (40 CFR Part 403), and the Pretreatment provisions in this Chapter.

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 CFR part 136, as revised.

Authorized representative means ~~an Authorized representative may be~~ any person authorized by ~~a~~ the City or other governmental entity.

~~Authorized representative of industrial user 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.~~

the industrial User - An authorized representative of an Industrial User may be any of the following individuals:

- (i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- (ii) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (a) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (b) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (c) The individuals described in this Subsection (ii) may designate an Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the City.

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

AZPDES (Arizona Pollutant Discharge Elimination System) means the regulatory program administered by the Arizona Department of Environmental Quality pursuant to Arizona law.

Biochemical Oxygen 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.

Best Management Practices (BMP) shall means 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. BMP's also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. 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 City 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 Industrial User means an Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

~~*Categorical standards* means Federal Categorical Pretreatment Standards issued in accordance with Section 307 of the Clean Water Act~~ *Pretreatment Standard or Categorical Standard* means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

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 means a sewer receiving both surface runoff and sewage.

Control authority means the "Approval Authority", defined herein above, or the Utilities Director if the eCity 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, eCity samples should not be combined with non-eCity 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:

- (i) For composite samples means the daily composite sample quality.
- (ii) For grab samples, the arithmetic average (weighted by flow value) of all grab sample qualities, determined for any calendar day.

Daily maximum means the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily maximum limit means the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Department means the Public Works-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 city sewer system. Such may be either a subdivider or a legally-constituted improvement district.

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

Director or Public Works-Utilities Director means the Public Works-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.

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

Domestic waste sewage 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~~ Domestic sewage includes 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.

Environmental Protection Agency or EPA 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 City sewer system.

Existing source means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed Categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

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.

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 means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

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

Industrial cost recovery means recovery by the City from the iIndustrial uUsers of the sewer system of the fFederal grant amount allocable to the treatment of wastes for such uUsers.

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

Industrial discharge (Waste) means any introduction into the POTW of a non-domestic pollutant which:

- (i) Is produced by a source which would be subject to any eCategorical sStandards or pPretreatment rRequirements if such source were to be discharged to the POTW; and
- (ii) Contains any substance or pollutant for which a discharge limitation or prohibition has been established by any eCategorical sStandards or pPretreatment rRequirement.

Industrial unit means a business use or an activity involving and/or including, but not limited to, resource extraction, manufacturing, fabrication, assembly, and warehousing.

Industrial uUser or uUser means any one or more of the following:

- (i) Any non-residential uUser of the sewer system who causes an industrial discharge; or
- (ii) Any non-residential uUser of the sewer system which either discharges or produces a waste which potentially could be discharged to a POTW which could be subject to any eCategorical sStandards or pPretreatment rRequirement; or
- (iii) Any Significant Industrial User;
- (iv) Has control over the disposal of a waste as described in (1) and (2) above; or
- (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 eCity to an iIndustrial uUser 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 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, eCity samples shall not be combined with non-eCity samples.

Instantaneous maximum allowable discharge limit means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the flow rate and the duration of the sampling event.

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

- (i) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (ii) Therefore is a cause of a violation of any requirement of the POTW'S NAZPDES 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 eState 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 eState regulations contained in any eState 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.

Medical Waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

National ~~p~~Pretreatment ~~s~~Standard, ~~p~~Pretreatment ~~s~~Standard or standard 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 ~~a~~Act, which applies to ~~i~~Industrial ~~u~~Users. This term included prohibitive discharge limits established pursuant to 40 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 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 means any building, structure, facility or installation from which there is or may be a discharge of pollutants if its construction occurred under the following timeframes:

(i) ~~T~~he construction of ~~which~~ commenced after the publication of proposed pre-treatment standards under ~~s~~Section 307(c) of the ~~a~~Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that one or more of the following criteria is met:

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

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

(~~i~~c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these 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.

(ii) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (i)(a), (i)(b) or (i)(c) of this section, but otherwise alters, replaces, or adds to existing process or production equipment.

(iii) Construction of a New Source has commenced if the owner or operator has either:

(a) Begun, or caused to begin, as part of a continuous onsite construction program either or both of the following:

(1) Any placement, assembly, or installation of facilities or equipment; or

(2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation.

Noncontact cooling water means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

~~Normal sewage 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.

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

Oil & grease (TPH) 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 1664A, or other equivalent test method approved by the Director.

Pass through means a discharge which exits the Publicly Owned Treatment Works into waters of the ~~u~~United ~~s~~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~~ POTW's AZDPES permit (including an increase in the magnitude or duration of a violation). 40 CFR 403.5(A)(1)

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 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. This definition includes all Federal, State, and local governmental entities.

pH means a measurement of the acidity or alkalinity of a solution, expressed in standard units defined as 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 this Chapter 25 of the City Code and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand ("COD"), toxicity, or odor).

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

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

- (i) Increased efficiency in the use of raw materials, energy, water or other resources, or
- (ii) Protection of natural resources by conservation.

Publicly Owned Treatment Works (POTW) 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~~ a treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means the City as defined in Section 502(4) of the Act, which has jurisdiction over Indirect Discharges from such treatment works.

POTW residuals 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 means that portion of the POTW designed to provide treatment to wastewater.

Pretreatment means the physical, chemical, biological or other treatment of any industrial discharge, prior to discharge to the ~~potw~~ POTW for the purpose of the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard any one or more of the following:

- ~~——~~ (i) ~~Reducing the amount of concentration of any pollutant; or~~
- ~~——~~ (ii) ~~Eliminating the discharge of any pollutant; or~~
- ~~——~~ (iii) ~~Altering the nature of any pollutant characteristic to a less harmful state.~~

Pretreatment requirements means ~~of the duties or responsibilities imposed upon POTW users by this chapter~~ any substantive or procedural requirement related to pretreatment imposed on a User other than a Pretreatment Standard.

Pretreatment Standards, National Pretreatment Standards, or Standards means any regulation containing pollution discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act which apply to Industrial Users. This term includes prohibited discharge limits established pursuant to 40 CFR § 403.5.

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

Prohibited discharge standards or prohibited discharges mean absolute prohibitions against the discharge of certain substances.

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~~ one-half (1/2) of an inch in any dimension.

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

Septic tank waste means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

~~*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 human excrement and gray water (showers, dishwashing, laundry operations, etc.).~~

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

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

Sewer means a pipe or conduit for carrying sewage.

Sewer Tap - See "Building Connection".

Shall means mandatory. *May* is permissive.

Significant Industrial User (SIU) means any categorical industrial user (CIU) ~~any other industrial user which:~~

- ~~(i) Discharges 25,000 gallons or more of process wastewater per day.~~
- ~~(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).~~
- ~~(iii) Is designated as such by the control authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating a pretreatment standard or requirement.~~

(i) All Users subject to Categorical Pretreatment Standards under 40 CFR § 403.6 and 40 CFR Chapter I, Subchapter N; or

(ii) Any other User that meets one or more of the following criteria:

- (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the City on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement.
- (iii) The City may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on finding the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and/or boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and all of the following conditions are met:
- (a) The Industrial User, prior to the City's finding has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
 - (b) The Industrial User annually submits the certification statement required in this Chapter, together with any additional information necessary to support the certification statement; and
 - (c) The Industrial User never discharges any untreated concentrated wastewater.
- (iv) Upon a finding that an Industrial User meeting the criteria in Subsection (ii) has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR § 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

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

- (i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken during any six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) 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 = 1.4 FOR BOD, TSS, fats, oil and grease, And 1.2 For all other pollutants except pH).

(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).

(iv) 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.

(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.

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

(vii) Failure to accurately report non compliance; or

(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 or Slug means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or permit conditions.

Source reduction means any practice which:

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

(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 means any flow occurring during or following any form of natural precipitation and resulting ~~therefrom~~ from such precipitation, including snowmelt.

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~~ the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

System design capacity means the design capacity for normal domestic wastewater sewage 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 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 sSuspended sSolids.

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

User or Industrial 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~~ a source of indirect discharge.

Waste minimization 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 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~~ liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater contribution permit means as set forth in this Chapter.

~~Wastewater treatment plant means any arrangement of devices and structures used for treating sewage~~ that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

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

Waters of the State 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 2. Chapter 25 of the Peoria City Code (1992) is amended by repealing Section 25-94 pertaining to Wastewater; Enforcement Response Plan in its entirety:

~~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 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.~~

Wastewater Pretreatment

SECTION 3. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-134 pertaining to Wastewater Pretreatment; abbreviations; and which shall read as follows:

Sec. 25-134. Wastewater Pretreatment; abbreviations.

The following abbreviations shall have the designated meanings:

AZPDES . . . Arizona Pollutant Discharge Elimination System
BMP Best Management Practice
BMR Baseline Monitoring Report
BOD Biochemical eOxygen dDemand
CFR Code of Federal Regulations
CIU Categorical Industrial User
COD Chemical eOxygen dDemand
CWA Clean Water Act
EPA Environmental Protection Agency
GpdPD Gallons per day
l Liter
mg Milligram
mg/l Milligrams per liter
NPDES National Pollutant Discharge Elimination System
NSCIU Non-Significant Categorical Industrial User
POTW Publicly eOwned tTreatment works
RCRA Resource Conservation and Recovery Act
SIC Standard Industrial Classification
SIU Significant Industrial User
SNC Significant Noncompliance
SWDA Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
TSS Total sSuspended sSolids
USC United States Code

SECTION 4. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-135 pertaining to Wastewater Pretreatment, Purposes and Policy and which shall read as follows:

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

(a) The Pretreatment provisions in this Chapter 25 sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system Users of the Publicly Owned Treatment Works for the City of Peoria, Arizona, and enables the City to comply with all applicable sState and fFederal laws, including required by the Clean Water Act of 1977, and the General Pretreatment Regulations (40 CFR Parts 401 and 403 through 471).

(b) The objectives of the Pretreatment provisions in this eChapter are:

(a1) To prevent the introduction of pollutants into the Municipal Wastewater System POTW which will interfere with the operation of the system including treatment facilities or contaminate the resulting sludge.

(b2) To prevent the introduction of pollutants into the Municipal Wastewater System POTW which will have the potential to pass through the system inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system.

(e3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

(d4) To provide for equitable distribution of the cost of the Municipal Wastewater System maintenance and operation of the POTW.

(5) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.

(6) To enable the City to comply with its Arizona Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

(c) The Pretreatment provisions in Chapter 25 provides for the regulation of direct and indirect contributors to the Municipal Wastewater System POTW through the issuance of permits to certain non-domestic uUsers and through enforcement of general requirements for the other uUsers, authorizes monitoring and enforcement activities, requires uUser 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.

(d) The Pretreatment provisions in 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, uUsers of the POTW. Except as otherwise provided herein, the Director of Public Works-Utilities and Director of Engineering shall administer, implement, and enforce the provisions of this code.

(e) The City at all times shall have a Pretreatment Plan which may provide more specific guidelines for compliance and enforcement. Users shall refer to the City's most current Pretreatment Plan.

(f) The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this Section.

SECTION 5. Chapter 25 of the Peoria City Code (1992) is amended by repealing Section 25-136 pertaining to City's Right of Revision and replacing it with renumbered and amended Section 25-99 pertaining to Wastewater Pretreatment; authority of the Director; Best Management Practices and which shall read as follows:

~~Sec. 25-136. City's Right of Revision.~~

~~———The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 25-135.~~

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

The Utilities Director is authorized to enforce ~~POTW~~ Industrial 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 aA and class bB 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 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 impacts 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 sStandard or requirement, or any terms of the permit or requirement of this eChapter.

(c) Incorporate the pertinent requirements of this Chapter into every eCity contract with any ~~POTW~~ uIndustrial 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 iIndustrial uUsers.

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

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

(g) Notify ~~POTW~~ uIndustrial Users of non-compliance with eCategorical sStandards 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~~ uIndustrial User will be allowed opportunity to respond to an order of the Utilities Director before any enforcement action against such uUser 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 sStandards 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 eCategory sStandard 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 eCategory sStandard or pretreatment requirement imposed by this Chapter.

(k) Annually publish, in the largest daily newspaper published in the City, public notice of all industrial user who at least once during the prior calendar year were in significant noncompliance (SNC). SNC is determined by any time period 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 user during the same twelve (12) month period.

(l) Notify industrial user of applicable pretreatment sStandards 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 user adequate opportunity to review the applicable federal requirements that are herein incorporated by reference.

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

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

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

SECTION 6. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-138 pertaining to Discharge of certain wastes prohibited and which shall read as follows:

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

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

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

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

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

(d) ~~Except as provided in this chapter, no person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewer:~~

- ~~(1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (F). Discharges must be reduced to one hundred four (104) degrees Fahrenheit at the point of entry into the POTW facility.~~
- ~~(2) Any waters or waste which may contain more than one hundred (100) mg/l (milligrams per liter) by weight of fat, oil or grease.~~
- ~~(3) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas including but not limited to those liquids, solids or gases with a flashpoint limit of less than 140EF or 60EC (using the test methods specified in 40 CFR 261.21)~~
- ~~(4) Any garbage that has not been properly shredded.~~
- ~~(5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, grit such as brick, cement, onyx, carbide or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.~~
- ~~(6) Any waters or wastes having pH lower than 5 or higher than 10.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.~~
- ~~(7) Any waters or wastes containing a toxic, radioactive or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant.~~
- ~~(8) Any pollutant, including oxygen demanding pollutant (BOD, ETC.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the publicly owned treatment works.~~
- ~~(9) Any noxious or malodorous gas or substance capable of creating a public nuisance.~~
- ~~(10) Any waters or wastes that have been in any way diluted as a substitute for pretreatment for the purpose of obtaining compliance with any categorical standard or pretreatment requirement imposed by this chapter.~~
- ~~(11) Any waters or wastes that could cause a violation of any categorical standard or pretreatment requirement.~~
- ~~(12) Any water or waste that is transported from the point of discharge to the~~

~~POTW by any septic tank, pumper, chemical waste hauler, or similar transporter unless the transporter has first:~~

- ~~_____ (a) Disclosed to the director the origin, nature, concentration and volume of all pollutants to be discharged; and~~
- ~~_____ (b) Obtained the consent of the director to discharge.~~
- ~~_____ (13) Any discharge that exhibits a characteristic of a hazardous waste or contains a substance that is listed as a hazardous waste pursuant to the Arizona Administrative code R18-8-261 or Title 40, Code of Federal Regulations, whichever is applicable, whether or not the discharge is otherwise subject to hazardous waste regulations. This provision does not apply to domestic wastewater or discharges of hazardous wastes that are authorized by the Director.~~

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

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

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, gasoline, naphtha, fuel oil or other flammable or explosive liquid, solid or gas, or any wastestreams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21.
- (2) Wastewater having a pH less than 5.0 or more than 10.5, or otherwise causing corrosive structural damage to the POTW or equipment.
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference [but in no case solids greater than one-half inch (1/2") or one and twenty-seven hundredths centimeters (1.27 cm) in any dimension].
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- (5) Wastewater having a temperature greater than 104° F (40° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.

(7) Any waters or wastes containing toxic, poisonous or other substances in sufficient quantity to cause or have the potential to cause injury or interfere with any sewage treatment process, cause corrosive structural damage, constitute a hazard to humans or create any hazard to the collection system or in receiving waters of the POTW or pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.

(8) Trucked or hauled pollutants, except at discharge points designated by the Director. Any water or waste that is transported from the point of discharge to the POTW by any septic tank, pumper, chemical waste hauler, or similar transporter unless the transporter has first:

(a) Disclosed to the director the origin, nature, concentration and volume of all pollutants to be discharged; and

(b) Obtained the consent of the Director to discharge.

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's AZPDES permit.

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.

(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director.

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes.

(14) Medical wastes, except as specifically authorized by the Director in an individual wastewater discharge permit.

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100.0 mg/L.

(18) Any waters or wastes that have been in any way diluted as a substitute for pretreatment for the purpose of obtaining compliance with any Categorical Standard or pretreatment requirement imposed by this Chapter.

(19) Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(20) Any waters or wastes that could cause a violation of any Categorical Standard or pretreatment requirement.

(21) Any discharge that exhibits a characteristic of a hazardous waste or contains a substance that is listed as a hazardous waste pursuant to the Arizona Administrative code R18-8-261 or Title 40, Code of Federal Regulations, whichever is applicable, whether or not the discharge is otherwise subject to hazardous waste regulations. This provision does not apply to domestic sewage or discharges of hazardous wastes that are authorized by the Director.

SECTION 7. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-139 pertaining to Wastewater Pretreatment; Federal Categorical Pretreatment Standards; State Pretreatment Standards; Local Limits and which shall read as follows:

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

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

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

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

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

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

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

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

(2) Criteria.

(i) Either:

a. The applicable Categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or

b. The Industrial User demonstrates that the control system it proposes or uses to meet applicable Categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

(ii) Credit for generic pollutants such as Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), and Oil and Grease shall not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(iii) Credit shall be granted only to the extent necessary to meet the applicable Categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this Section.

(iv) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The City may waive this requirement if it finds that no environmental degradation will result.

(g) When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. The City may establish equivalent mass limits only if the Industrial User meets all of the following conditions:

(1) To be eligible for equivalent mass limits the Industrial user must meet all of the following criteria:

(i) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its' individual wastewater discharge permit;

(ii) Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

(iii) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

(iv) Not all daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

(v) Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(2) An Industrial User subject to equivalent mass limits must meet all of the following criteria:

(i) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(ii) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(iii) Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary more than twenty (20) percent from its' baseline production rates determined in Subsection (1)(iii) of this Section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(iv) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Subsection

(1)(i) of this Section so long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, the Director:

(i) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;

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

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

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

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

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

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

(l) State Pretreatment Standards. Upon the promulgation of State of Arizona Pretreatment Standards, the State Standard if more stringent than limitations imposed under the pretreatment provisions of this Chapter for sources in that subcategory, shall

immediately supersede the limitations imposed under the Pretreatment provisions of this Chapter. To ensure applicability of current State standards to local Industrial Users, the City shall update the Pretreatment provisions of this Chapter as necessary to reflect limitations promulgated by the State. The State Pretreatment Standards found in A.A.C. R18-9-906(A) are incorporated by reference into this Chapter and made a part hereto.

(m) Local Limits.

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

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

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

PROHIBITED SUBSTANCES

4,4' - DDE

<u>4.4 - DDT</u>
<u>ALDRIN</u>
<u>BHC-ALPHA</u>
<u>BHC-BETA</u>
<u>BHC-GAMMA (LINDANE)</u>
<u>HEPTACHLOR</u>
<u>HEPTACHLOR EPOXIDE</u>
<u>POLYCHLORINATED BIPHENYL COMPOUNDS (PCB)</u>

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

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

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

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

SECTION 8. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-141 pertaining to Wastewater Pretreatment; Prohibition Against Dilution and which shall read as follows:

Sec. 25-141. Wastewater Pretreatment; Prohibition Against Dilution.

No uUser shall ever increase the use of process water, or in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitations developed by the city or state a

discharge limitation unless expressly authorized by an applicable Pretreatment Standard or requirement.

SECTION 9. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-142 pertaining to Wastewater Pretreatment; Accidental Discharge; Slug Control Plans and which shall read as follows:

Sec. 25-142. Wastewater Pretreatment; Accidental Discharge; Slug Control Plans.

(a) Each uUser shall provide protection from accidental discharge or prohibited materials or other substances regulated by this Code. Facilities, equipment, or processes used 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 dDirector for review and shall be approved by the dDirector before Construction of the facility. No uUser 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, if required, have been approved by the dDirector. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the uUser '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 sSignificant iIndustrial uUser to determine the need of a slug control plan as per 40 CFR 403.8.

(b) The Director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Director may require any User to develop, submit for approval, and implement such a plan or take such other action as may be necessary to control Slug Discharges. Alternatively, the Director may develop such a plan for any User. An accidental discharge /slug discharge control plan shall address, at a minimum, all of the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Director of any accidental or slug discharge; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

~~(bc) Written Notice. Within five (5) days following an accidental discharge, the User shall submit to the 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 shall not 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 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.~~

~~(ed) 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 prohibited discharge. Employers shall ensure that all employees who may cause or experience suffer such a dangerous prohibited discharge to occur are advised of the emergency notification procedure.~~

SECTION 10. Chapter 25 of the Peoria City Code (1992) is amended by repealing Section 25-143 pertaining to Preliminary treatment – Required Approval in its entirety and replacing it with a new Section 25-143 pertaining to Wastewater Pretreatment; Certification Statements:

~~Sec. 25-143. Preliminary treatment – Required Approval.~~

~~(a) — Where necessary in the opinion of the director, any user of the sewer system shall provide, at his or her expense, such preliminary treatment as may be necessary to reduce objectionable characteristics or constituents to within the maximum limits provided for in this chapter. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the director. No construction of such facilities shall be commenced until the director's approval is obtained in writing. The completed facilities shall not be placed in service until they have been inspected for conformance to the approved plans and the final construction approved by the director. The approval of the plans and inspection of construction shall not relieve the owner from complying with discharge limitations set forth in this chapter.~~

~~(b) — Where preliminary pretreatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. The owner shall keep written records and documentation of all cleaning, repair, calibration and maintenance required to demonstrate compliance with this section. Records shall be kept at the facility and made available to the Director upon request.~~

Wastewater Pretreatment; Certification Statements.

(a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver. The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 25-145; Users submitting BMRs under Section 25-145(f); Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 25-145(f); Users submitting periodic compliance reports required by Section 25-149, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 25-149(f). The following certification statement must be signed by an Authorized Representative as defined in Section 25-76:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(b) Annual Certification for Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to Section 25-76 must annually submit the following certification statement signed in accordance with the signatory requirements in Section 25-76. This certification must accompany an alternative report required by the Director:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____ to _____ [months, days, year]:

(1) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 25-76

(2) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(3) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

(c) Certification of Pollutants Not Present. Users that have an approved monitoring waiver based on Section 25-149(f) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report.

SECTION 11. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-144 pertaining to Wastewater Pretreatment; Wastewater Contribution Permits and which shall read as follows:

Sec. 25-144. Wastewater Pretreatment; Wastewater Contribution Permits.

In addition to all other requirements each ~~i~~Industrial ~~u~~User who discharges an industrial discharge into the sewer system and who is designated a ~~s~~Significant ~~i~~Industrial ~~u~~User by the ~~d~~Director shall also:

(a) Obtain a class A wastewater contribution permit from the Director. ~~Any application for a class a permit or an amended class A permit shall contain the information specified in the application form or such other information as may be requested by the Director.~~

(1) Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to November 1, 2009 and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Director for an individual wastewater discharge permit in accordance with Section 25-145, and shall not cause or allow discharges to the POTW to continue, except in accordance with an individual wastewater discharge permit issued by the Director.

(2) Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. Any person intending to commence any new industrial discharge(s) not previously permitted pursuant to an existing permit shall apply for a new or an amended permit at least ninety (90) days prior to initiating such discharge.

(3) A Significant Industrial User that has filed a timely application pursuant to Section 25-145 may continue to discharge for the time period specified therein.

(b) Provide all of the pretreatment necessary to comply with eCategorical sStandards and pretreatment requirements required by this eChapter.

(c) In addition to all other requirements imposed by this eChapter upon iIndustrial uUsers, the following types of iIndustrial uUsers who are not Significant iIndustrial uUsers may be required to obtain a class B wastewater contribution permit if the Director determines the industrial discharge causes or has the reasonable potential to cause harm or damage to the POTW, worker safety, public safety or the environment:

- (1) Zero process discharge uUser.
- (2) Users which discharge the equivalent strength of 25,000 gallons per day of domestic waste sewage as measured by BOD and SS.
- (3) Discharges of polluted groundwater.
- (4) Users discharging any of the substances identified in sections 25-139100 and 25-138.

The iIndustrial uUser shall comply with all requirements and conditions of a class B wastewater contribution permit issued by the Director under this chapter.

(d) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of the pretreatment provisions of this Chapter and subjects the wastewater discharge permittee to the sanctions set out in those provisions. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or requirements or with any other requirements of Federal, State, and local law.

SECTION 12. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-145 pertaining to Wastewater Pretreatment; Wastewater contribution permits; applications and which shall read as follows:

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

(a) Permit Applications Users required to obtain a Wastewater Contribution Permit shall complete and file with the eCity, an application in the form prescribed by the eCity, and accompanied by a fee as contained in this eCode. 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 facility operations, including all of the following information:

(i) The nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and sStandard Industrial eClassification of the operations carried out by such iIndustrial uUser. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;

(ii) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(iii) Number and type of employees, hours of operation, and proposed or actual hours of operation;

(iv) Type and amount of raw materials processed (average and maximum per day); and

(v) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

(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);

(6) Time and duration of discharges;

(7) The location for monitoring all wastes covered by the permit;

(8) Flow Measurement. 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 wastestream formula.

(9) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 25-149(f).

(10) Any other information as may be deemed necessary by the Director to evaluate the permit application.

(11) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

(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 the 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 and 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.

(5) 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, supervisor, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

(6) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative.

(d) Permit conditions Wastewater discharge permits shall be expressly subject to all provisions of this Code, and all other applicable regulations, ~~u~~ 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 Any Industrial User subject to the reporting requirements established in this Chapter 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) Who performed the analyses.
- (4) The analytical techniques/methods used.
- (5) The results of such analyses.

(6) Any Industrial User subject to the reporting requirements established in this Chapter (including documentation associated with Best Management Practices) shall be required to retain for a minimum of three years any records of monitoring activities and results (whether or not such monitoring activities are required by this Chapter), and shall make such records available for inspection and copying by the dDirector or any Federal or State agency. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the uUser or City or when requested where the User has been specifically notified of a longer retention period by the dDirector.

(f) Reporting Requirements for Users upon effective date of eCategorical pPrereatment sStandard - Baseline Monitoring Report (BMR).

Within 180 days after the effective date of the eCategorical pPrereatment sStandard or 180 days after the final administrative decision made upon a category

determination submission under 40 CFR § 403.6(a)(4), whichever is later, existing Categorical Industrial Users 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 Director a report which contains the information listed in 40 CFR 403.12(b)(1)-(7) this Subsection. 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 Categorical Industrial Users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Control Authority Director a report that contains the information listing in 40 CFR 403.12(b)(4) and (5) this Subsection. A New Source shall report the method of pretreatment it intends to use to meet applicable Categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged. Users described in this Subsection shall submit the following information:

(1) Identifying Information. The name and address of the facility, including the name of the operator and owner.

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

(3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes as well as the location for monitoring all wastes.

(4) Flow Measurement. 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 wastestream formula set out in 40 CFR § 403.6(e)

(5) Measurement of Pollutants.

(i) The User shall identify the Pretreatment Standards applicable to each regulated process.

(ii) In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Director) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard;.

(iii) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this Subsection.

(iv) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR § 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR § 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority.

(v) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Director determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures.

(vi) The Director may allow the submission of a BMR which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(vii) The BMR shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(viii) The Categorical Pretreatment Standards applicable to each regulated process.

(ix) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this Section.

(x) Sampling must be performed in accordance with procedures set out in Section 25-151.

(6) Compliance Certification. A statement, reviewed by the User's authorized representative as defined in Section 25-76 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 25-149.

(8) Signature and Certification. All BMRs must be signed and certified in accordance with Section 25-143 and signed by an Authorized Representative as defined in Section 25-76.

(g) Hazardous Waste Notification

(a) The City expressly prohibits any discharge of hazardous wastes, as defined in 40 CFR Part 261.3, into the POTW. Should these wastes be accidentally discharged into the POTW, the following provisions would apply:

(1) The User shall notify the Director orally within twenty-four (24) hours of becoming aware of the discharge and notify the Director, the EPA Regional Wastewater Management Division Director, and State Hazardous Waste authorities in writing within ten business days 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 waste 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 discharged during the following twelve months. All written notifications must take place within no later than ten business days of the effective date of this ordinance after the discharge commences. 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 by Users subject to Categorical

Pretreatment Standards 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. Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of 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 iIndustrial uUser 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 iIndustrial uUser must notify the Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities 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 iIndustrial uUser 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.~~

(b) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by the pretreatment provisions of this Chapter, a permit issued thereunder, or any applicable Federal or State law.

SECTION 13. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-146 pertaining to Wastewater Pretreatment; Wastewater contribution permits; modifications; transfers; revocations; reissuance and which shall read as follows:

Sec. 25-146. Wastewater Pretreatment; Wastewater contribution permits; modifications; transfers; revocations; reissuance.

(a) Permit Modifications.

(1) The Director retains the right to deny or condition new or increased contributions of pollutants, or changes in the nature of the pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its AZPDES permit.

(2) Within ninety (90) days of the promulgation of a Federal Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standard. Where a uUser, subject to a Federal Categorical Pretreatment standard, has not previously submitted an application for a Wastewater Contribution Permit as required by Section 25-14 the uUser shall apply for a Wastewater Contribution Permit within one hundred and eighty (180) days after the promulgation of the applicable Federal Categorical Pretreatment Standard. In addition, the uUser with an existing Wastewater Contribution Permit shall submit to the dDirector within one hundred and eighty (180) days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information as required by Section 25-145.

(3) The Director may modify a wastewater discharge permit for good cause, including, but not limited to, any one or more of the following reasons:

(i) To incorporate any new or revised Federal, State, or local pretreatment standard or requirement;

(ii) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

(iii) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(iv) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;

(v) Violation of any terms or conditions of the wastewater discharge permit;

(vi) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(vii) Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR § 403.13;

(viii) To correct typographical or other errors in the wastewater discharge permit; or

(ix) To reflect a transfer of the facility ownership or operation to a new owner operator.

(b) Permit Transfers. Wastewater Contribution Permits are issued to a specific uUser for a specific operation. A Wastewater Contribution Permit shall not be reassigned or transferred or sold to a new owner, new uUser, different premises or a new or changed operation without the approval of the city unless specifically approved by the Director. All requests for the transfer of an Industrial User permit shall be provided to the Director at least (90) days in advance notice to the Director and the Director approves the

wastewater discharge permit transfer. Any succeeding owner or uUser shall also comply with the terms and conditions of the existing permit.

(1) The notice to the Director must include a written certification by the new owner or operator which includes all of the following:

(i) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes and understands that any proposed changes or alterations of operations or processes require permit modification;

(ii) Identifies the specific date on which the transfer is to occur; and

(iii) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

(2) Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(c) Permit Revocations.

(1) The Director may revoke a wastewater discharge permit for good cause, including, but not limited to, any one or more of the following reasons:

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

(ii) Failure to provide prior notification to the Director of changed conditions;

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

(iv) Falsifying self-monitoring reports;

(v) Tampering with monitoring equipment;

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

(vii) Failure to meet effluent limitations;

(viii) Failure to pay fines;

(ix) Failure to pay sewer charges;

(x) Failure to meet compliance schedules;

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

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

(xiii) Violation of any Pretreatment Standard or requirement, or any terms of the wastewater discharge permit or the pretreatment provisions of this Chapter.

(2) Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a particular User are void upon the issuance of a new wastewater discharge permit to that User.

(d) Individual Wastewater Discharge Permit Reissuance. A User with an expiring individual wastewater discharge permit shall apply for an individual wastewater discharge permit reissuance by submitting a complete permit application a minimum of one hundred twenty (120) days prior to the expiration of the User's existing individual wastewater discharge permit.

SECTION 14. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-147 pertaining to Wastewater Pretreatment; Wastewater Contribution Permits; Permit Issuance and which shall read as follows:

Sec. 25-147. Wastewater Pretreatment; Wastewater Contribution Permits; permit duration issuance.

(a) Individual Wastewater Discharge Permit Decisions. The Director will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete individual wastewater discharge permit application, the Director will determine whether or not to issue an individual wastewater discharge permit. The Director may deny any application for any individual wastewater discharge permit.

(b) Permit Appeals. A User may petition the Director to reconsider the terms of an individual wastewater discharge permit within thirty (30) days of notice of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the User must indicate the individual wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit.

(3) The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.

(4) If the Director fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing a complaint with the appropriate court within the time period established by law.

(c) Duration. Permits shall be issued for a specific time period, not to exceed ~~two (2)~~ five (5) years from the effective date of the permit. Each individual wastewater discharge permit will indicate a specific date upon which it will expire. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director. ~~A permit may be issued for a period less than a year or may be stated to expire on a specific date.~~ A uUser shall apply for a permit reissuance a minimum of 180 days prior to the expiration of the uUser's existing permit. The terms and conditions of the permit may be subject to modification by the eCity during the term of the permit as limitations or requirements as identified in this eCode are modified or other just cause exists. The uUser shall be informed of any proposed changes in the his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(d) Individual Wastewater Discharge Permit Contents.

(1) An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(2) Individual Wastewater discharge permits must contain all of the following information:

(i) A statement that indicates wastewater discharge permit issuance date, expiration date, and effective date which in no event shall exceed five (5) years;

(ii) A statement that the wastewater discharge permit is nontransferable without prior notification to the City of Peoria in accordance with this Section, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(iii) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

(iv) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or Best Management Practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;

(v) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge;

(vi) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;

(vii) Requirements to control Slug Discharge, if determined by the Director to be necessary; and

(viii) Any grant of the monitoring waiver by the Director must be included as a condition in the User's permit.

(3) Individual Wastewater discharge permits may contain, but need not be limited to, the following conditions:

(i) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(ii) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(iii) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

(iv) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(v) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

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

(vii) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit; and

(viii) Other conditions as deemed appropriate by the Director to ensure compliance with the pretreatment provisions of this Chapter, and State and Federal laws, rules, and regulations.

SECTION 15. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-148 pertaining to Wastewater Pretreatment; Compliance Date Report and which shall read as follows:

Sec. 25-148. Wastewater Pretreatment; Compliance Date Report.

Within Ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and Requirements shall submit to the eDirector a report indicating ~~the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards and Requirements~~ containing the information described in Section 25-145(f). For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR § 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. The reports shall state whether the applicable pPretreatment sStandards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the uUser into compliance with the applicable Pretreatment Standards or Requirements. This report shall include the certification statement and be signed as described in Section 25-143~~8~~. The compliance report shall be reviewed by an authorized representative of the iIndustrial uUser and shall be certified by a qualified professional. The qualified professional shall certify the iIndustrial uUser's compliance with applicable categorical standards and whether any pretreatment or e & m operation and maintenance is required to attain compliance. This report shall be due ninety (90) days from final date for compliance in accordance with 40 CFR 403.12(d). All sampling will be done in accordance with Section 25-151.

SECTION 16. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-149 pertaining to Wastewater Pretreatment; Periodic Compliance Reports and which shall read as follows:

Sec. 25-149. Wastewater Pretreatment; 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 Utilities Director during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Utilities 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 Utilities Director and in consideration of such~~

~~factors as local high or low flow rates, holidays, budget cycles, etc., the Utilities Director may agree to alter the months during which the above reports are to be submitted.~~

Any Industrial User, whether or not subject to a Categorical Pretreatment Standard, except as specified in Section 25-151, after the compliance date if such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Director, during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported except that the Director may require more detailed reporting of flows. In cases where the Pretreatment Standard requires compliance with Best Management Practices (or pollution prevention alternative), the User shall submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc, the Director may modify the months during which the above reports are to be submitted.

(b) The Utilities Director may ~~impose~~ reduce 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 Utilities Director, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be as 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.

(c) This Periodic Compliance Report shall include the certification statement and be signed described in Section 25-1438.

(d) Compliance schedule for meeting ~~c~~Categorical ~~p~~Pretreatment ~~s~~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 ~~i~~Industrial ~~u~~User to meet the

applicable eCategorical pPretreatment sStandards (e.g., Hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, beginning and conducting routine operation, 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 iIndustrial uUser shall submit a progress report to the control authority Director including, at 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 appropriate steps being taken by the iIndustrial uUser 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.~~

(4) In no event shall more than nine (9) months elapse between such progress reports to the Director.

~~(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. The City may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [see 40 CFR § 403.12(e)(2)] This authorization is subject to the following conditions:~~

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Standard and otherwise includes no process wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.

(3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed in accordance with Section 25-76, and include the certification statement in Section 25-143.

(5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for 3 years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the User's permit by the Director, the Industrial User must certify on each report with the statement in Section 25-143(c), that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately comply with the monitoring requirements of Section 25-149(a), or other more frequent monitoring requirements imposed by the Director, and notify the Director.

(9) This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

(g) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(h) If a User subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the Director, the results of this monitoring and a chain of custody for all samples analyzed shall be included in the report.

SECTION 17. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-151 pertaining to Wastewater Pretreatment; Inspection; Sampling and Analytical Procedures and which shall read as follows:

Sec. 25-151. Wastewater Pretreatment; Inspection; and Sampling and Analytical Procedures.

(a) All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using

validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by the EPA.

(b) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of the conditions occurring during the reporting period.

(1) Except as indicated in Subsections (2) and (3), the User must collect wastewater samples using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, Multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 25-148 and 25-149, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs Section 25-149, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and requirements. Chain of Custodies for all sampled parameters shall accompany the compliance reports.

(c) Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(d) The Director shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

~~The city shall inspect the facilities of any user to ascertain whether the purpose of this Code is being met and all requirements are being complied with:~~

(1) Persons or occupants of premises where wastewater is created or discharged shall allow the eCity and representatives of other governmental agencies to have ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records, examination or in the performance of any of their duties.

(2) The eCity, Approval Authority, and (where NPDES State is the Approval Authority) EPA shall have the right to set upon on the User's property or require installation of, such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering of the User's operations.

(3) Where a uUser has security measures in force which would require proper identification and clearance before entry into their premises, the uUser shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the eCity, Approval Authority, or EPA will be permitted without delay for the purpose of performing their specific responsibilities.

(4) Any uUser subject to the reporting regulations established in this Chapter, shall make such records available upon request for the purposes of inspection and copying by the dDirector.

(6) The Director may require the User to install monitoring equipment as necessary, as further described in the City's Engineering Development Guidelines for Wastewater, currently found in Chapter 6-3.B. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated monthly to ensure their accuracy.

(7) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the User.

(8) Unreasonable delays in allowing the Director access to the User's premises shall be a violation of the pretreatment provisions of this Chapter.

(9) If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of the wastewater pretreatment provisions of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with the wastewater pretreatment provisions of this Chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director may seek issuance of a search warrant from the Peoria Municipal Court or other appropriate court.

(10) The Director retains the right to carry out all inspection, surveillance, and monitoring procedures necessary to determine, independent of information

supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by Industrial Users. Representatives of the POTW shall be authorized to enter any premises of any Industrial User in which a Discharge source or treatment system is located or in which records are required to be kept under 40 CFR §403.12(0) to assure compliance with Pretreatment Standards.

SECTION 18. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-152 pertaining to Wastewater Pretreatment; pretreatment required and which shall read as follows:

Sec. 25-152. Wastewater Pretreatment; pretreatment required.

(a) All Users are required to properly operate and maintain all pretreatment equipment and processes in a manner that will provide for the effective pretreatment of wastes. All Users have a duty to halt and/or reduce, to the extent possible, any discharge that has the potential to cause either Pass-Through or Interference with the operation of the POTW. Users shall provide necessary wastewater treatment as required to comply with this Code, and shall achieve compliance with all Federal Categorical Pretreatment Standards, Local Limits, and all other applicable federal, state, and local requirements within the time limitations as specified by the Federal Pretreatment Regulations, as amended EPA, ADEQ, or the Director, whichever is more stringent. Any facilities required to pre-treat wastewater to a level acceptable by to the Director city shall be provided, operated and maintained at the uUser's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the dDirector for review, and shall be acceptable to the dDirector before construction of the facility. The review of such plans and operating procedures will in no way relieve the uUser from the responsibility of modifying the facility as necessary to produce an effluent a discharge acceptable to the eCity under the provisions of this Code. Any subsequent changes in the pretreatment facility or method of operation shall be reported to and be approved in writing by acceptable to the Director city prior to the initiation of the changes.

(b) The eCity shall annually publish in any newspaper of general circulation within the eCity a list of the uUsers found in noncompliance with any Pretreatment Requirements or Standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement action taken against the uUser(s) during the same twelve (12) months.

(c) ~~Upon written request by the person submitting pretreatment facility plans and operational procedures which might disclose trade secrets or secret processes, the plans and procedures shall be kept confidential; provided however, that such portion of the submission shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the information. Waste water constituents and characteristics will not be recognized as confidential information. The EPA and ADEQ have unlimited access to all information collected by the eCity under its pretreatment program. Whenever deemed necessary, the Director may require Users to~~

restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of the pretreatment provisions of this Chapter.

(d) The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

(e) Grease, oil, sand and lint interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, sand, lint or other objectionable material; except that such interceptors shall not be required for residential Users. All interception units shall be of type and capacity approved by the Director and shall be located so as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as required by Sections 25-174, by the User at their expense.

(f) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

SECTION 19. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-153 pertaining to Confidentiality of Information and which shall read as follows:

Sec. 25-153. Confidentiality of Information.

(a) Information and data on a user obtained from reports, questionnaires, individual wastewater discharge permits applications, individual waste discharge permits, permits and monitoring programs and/or from the Director's inspection and sampling activities shall be available to the public or any governmental agency without restriction unless the uUser specifically requests and is able to demonstrate to the satisfaction of the eCity, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the uUser by law. To claim this trade secret protection, the uUser must specify at the time of submitting their report or information, that part he the User desires to protect.

(b) Upon written request by the person submitting a report which might disclose trade secrets or secret processes, the report shall be kept confidential; provided however, that such When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but such portion of the submission shall be available immediately upon request for use by the sState or any state or any other governmental agency for uses related to the AZPDES program or pretreatment program and in judicial review or enforcement proceedings involving the person furnishing the information. Wastewater constituents and

characteristics and other effluent data as defined by 40 CFR § 2.302 will not be recognized as confidential information and will be available to the public without restriction. ~~The EPA has unlimited access to all information collected by the city under its pretreatment program.~~

SECTION 20. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-159 pertaining to Wastewater Pretreatment; Notification of Violation and which shall read as follows:

Sec. 25-159. Wastewater Pretreatment; Notification of violation.

(a) ~~Whenever the eDirector finds that any uUser has violated or is violating this Code, the conditions of their Wastewater Contribution Permit or any prohibition limitation or requirements contained herein, or contained in administrative regulations adopted by the city or conditions imposed by the director~~ individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the eDirector may serve upon that User by any manner calculated to provide reasonable notice, a written nNotice of Violation setting forth the nature of the violation.

(ab) ~~Within thirty (30) calendar days of the receipt of such a notice, a plan for the satisfactory correction of the violation an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions,~~ shall be submitted to the eDirector by the uUser.

(c) Submission of this plan by a User in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation.

(d) Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

SECTION 21. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-160 pertaining to Wastewater Pretreatment; Administrative hearing; Orders; Fines and which shall read as follows:

Sec. 25-160. Wastewater Pretreatment; Administrative hearing; Orders; Fines.

(a) Consent Orders. The Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance with the Pretreatment sections in this Code. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this Section and shall be enforceable judicially.

(b) Show Cause Administrative Hearings.

(1) The dDirector may order any uUser who causes or allows an unauthorized discharge to enter the POTW has violated, or continues to violate, any provision of this Code concerning Pretreatment, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement to appear and show cause on why the user's wastewater contribution permit or any other permit issued by director should not be revoked why a proposed enforcement action should not be taken. A notice shall be served upon the uUser in any manner calculated to provide reasonable notice, specifying the time and place of a hearing to be held by the dDirector regarding the violation and why the permit should not be revoked the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. Service may be made in any manner permitted under Rule 4, Arizona Rules of Civil Procedure, except publication. Such notice may be served on any Authorized Representative of the User.

(2) The dDirector shall conduct the show cause hearing and may:

(a) Hear and consider all relevant and probative evidence, regardless of whether such evidence is admissible under the Arizona Rules of Evidence.

(b)ii) Issue subpoenas, compel the testimony of witnesses and production of evidence in the manner provided by A.R.S. § 12-2212. Testimony shall be taken under oath and shall be recorded.

(3) Following the completion of a show cause hearing, the Director shall issue a written decision explaining the Director's conclusion as to whether the User committed the cited violation(s). If the Director concludes that a violation did occur, the Director may impose any of the penalties and remedies provided for Pretreatment violations.

(4) A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against a User who is in non-compliance.

(c) Compliance Orders. When the Director finds that a User has violated, or continues to violate, any Pretreatment provision of this Code, an individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance

order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(c) ~~Cease and Desist Orders.~~ Issue an order finding the user responsible for the discharge and ordering that the sewer service be disconnected unless the user complies with the plan issued by the director requiring adequate treatment facilities and devices or that the treatment facilities and devices be operated properly. The director may issue such other orders as he deems necessary to insure that the order and plan be complied with by the user. When the Director finds that a User has violated, or continues to violate, any Pretreatment provision of this Code, a individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(d) ~~Order and assess civil penalties against the user.~~ Administrative Fines.

(1) When the Director finds that a User has violated, or continues to violate, any Pretreatment provision of this Code, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may fine such User in an amount not to exceed \$1,000.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

(2) This administrative fine shall constitute a lien against the property upon which the violation is located in the same manner as other unpaid utility fees under this Chapter.

(3) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, the Director taking any other action against the User.

(4) A User may seek judicial review of an administrative fine issued pursuant to this Subsection.

(e) ~~Emergency Suspensions.~~ The Director may suspend immediately a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also suspend immediately a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(1) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless termination proceedings are initiated against the User.

(2) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing.

(3) Nothing in this Subsection shall be interpreted as requiring a hearing prior to any emergency suspension.

(f) Termination of Discharge.

(1) In addition to other enforcement options, any User who violates any one or more of the following conditions is subject to discharge termination:

(i) Violation of an individual wastewater discharge permit condition;

(ii) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(iii) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

(iv) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

(v) Violation of the Pretreatment Standards in this Code.

(2) The Director will notify such User of the proposed termination of its discharge and offer an opportunity to show cause under this Section why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

SECTION 22. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-161 pertaining to Wastewater Pretreatment; Enforcement generally and which shall read as follows:

Sec. 25-161. Wastewater Pretreatment; Enforcement generally ~~Legal action.~~

(a) The Director or representatives of the POTW shall be authorized to enter any premises of any User in which a discharge source or treatment system is located or

in which records are required to be kept under 40 CFR 403.12(m) to assure compliance with Pretreatment Standards. Such authority shall be at least as extensive as the authority provided under Section 308 of the Act.

(b) The Director or representatives of the POTW shall obtain remedies for noncompliance by the User with any Pretreatment Standards and Requirements and shall be able to seek injunctive relief for noncompliance by Users with Pretreatment Standards and Requirements.

(c) The remedies provided for violations of the pretreatment provisions of this Chapter are not exclusive. The Director or City Attorney may take any or all of the enforcement actions prescribed against a noncompliant User.

(d) The Director may assess a penalty of up to \$1,000 to any User for each day that a report required by the pretreatment provisions of this Chapter, a permit or order issued hereunder is late, beginning five days after the date the report is due. Actions taken by the Director to collect late reporting penalties shall not limit the Director's authority to initiate other enforcement actions that may include penalties for late reporting violations.

(e) The Director may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any pretreatment provision of this Chapter, a previous individual wastewater discharge permit, or order issued hereunder.

(f) Whenever a User has violated or continues to violate any Pretreatment provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may sever water service to the User. Service only will recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

(g) A violation of any Pretreatment provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person(s) creating a public nuisance shall be subject to the provisions of Chapter 17 of the City Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

(h) For interceptors required under Sec. 25-171 of this Code, the City shall charge a fee of \$150 per re-inspection for each incident of violation, until the violation is remedied.

SECTION 23. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-162 pertaining to Wastewater Pretreatment; Civil penalties and injunctive relief and which shall read as follows:

Sec. 25-162. Wastewater Pretreatment; Civil penalties and injunctive relief.

(a) Any person who has violated, or continues to violate, any Pretreatment provision of this Chapter, an individual wastewater discharge permit, or order issued thereunder, or any other Pretreatment Standard or Requirement may be assessed a civil penalty by a court of competent jurisdiction or by the Utilities Director pursuant to this Code in an amount not more than twenty five thousand dollars (\$25,000.00) per day. For violations deemed by the court or the Utilities Director to be continuing (including monthly or other long-term average discharge limits), the penalty may be assessed based on each day constituting a separate offense. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User. In seeking the assessment of a civil penalty, the following factors shall be considered:

- (1) The seriousness of, extent of harm caused by, and magnitude and duration of the violation.
- (2) The economic benefit, if any resulting from the violation.
- (3) Any history of such violations and the User's general compliance.
- (4) Any good faith efforts to comply with the applicable requirements, including corrective actions undertaken by the User.
- (5) The economic impact of the penalty on the User violator.
- (6) Such other factors as justice may require.

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

(c) In addition to any civil penalty imposed herein, the City Attorney may commence proceedings in a court of competent jurisdiction to obtain a temporary and/or permanent injunction against the uUser to prevent further violations of ~~the standards established in this article, state or federal statutes and regulations, or any administrative regulation adopted by the City or permit requirement imposed by the Utilities Director to carry out the provisions of this Chapter~~ any Pretreatment provision of this Chapter, an individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement. The City Attorney also may seek an injunction that compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this Chapter on activities of the User. The City Attorney further may seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

SECTION 24. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-163 pertaining to Wastewater Pretreatment; Criminal penalties and which shall read as follows:

Sec. 25-163. Wastewater Pretreatment; Criminal penalties.

(a) Any person who violates any pretreatment provision of this article Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be guilty of a class 1 misdemeanor. Each such violation shall constitute a separate offense on each successive day the violation continues.(b) The City magistrate shall impose a mandatory minimum fine of one thousand dollars (\$1,000.00) up to a maximum fine of two thousand five hundred dollars (\$2,500) per violation per day, which shall not be waived or suspended. The City magistrate also may impose a jail term of up to six (6) months.

(b) A person who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a class 1 misdemeanor and be subject to a penalty up to two thousand five hundred dollars (\$2,500) or imprisonment up to six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(c) A person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to the pretreatment provisions of this Chapter, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under the pretreatment provisions of this Chapter shall, upon conviction, be punished by a fine of not more than two thousand five hundred dollars (\$2,500) per violation, per day, or imprisonment for not more than six (6) years, or both.

SECTION 25. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-171 pertaining to Interceptors -- Required and which shall read as follows:

Sec. 25-171. Interceptors -- Required.

(a) Interceptors such as gGrease, oil, lint, or sand, or other interceptors shall be provided required for laundries, restaurants, service stations, auto repair shops, car washes and other facilities when, in the opinion of the Utilities Director, they are necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts, or any flammable wastes, sand, or any and other substance considered by the Director to have the potential to adversely affect the POTW harmful ingredients.

(b) All internal interceptors shall be required for those facilities that will have minimal fixtures being discharged and require minimal retention time. The minimum internal interceptor shall be no smaller than a device rated at 50-gallon-per-minute flow with a 100-pound grease capacity (50/100). A flow control device shall be installed upstream of the interceptor and in accordance to manufacturer's specifications.

(c) All external interceptors shall be required for those facilities that will have numerous fixtures being discharged and require extended retention time. The minimum external interceptor shall be no smaller than a two compartment container rated at 500-gallon capacity and no larger than a three compartment container rated at 2500-gallon capacity. All external interceptors shall be installed according to City of Peoria Standard Detail PE-450 and must include a sample vault.

SECTION 26. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-172 pertaining to Interceptors – Type, Capacity, Location and which shall read as follows:

Sec. 25-172. Interceptors – Type, Capacity, Location.

(a) All interceptors shall be of a type and capacity approved by the Director of Utilities and Director of Engineering, and shall be located as to be readily and easily accessible for cleaning and inspection in accordance with the City's Engineering Development Guidelines for Wastewater, currently under Chapter 6-3.A.1.f.

(b) Where installed, all interceptors shall be maintained by and at the expense of the owner in continuously efficient operation at all times.

(c) The Director may grant a variance in writing for use of shared or common interceptors if the Director determines that the use will be in accordance with City's Engineering Development Guidelines for Wastewater, currently under Chapter 6-3.A.2.

SECTION 27. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-173 pertaining to Interceptors – Construction of Grease and Oil Interceptors and which shall read as follows:

Sec. 25-173. Interceptors – Construction of Grease and Oil Interceptors.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water tight, and equipped with easily removable covers. When bolted covers are required, they shall be gastight and watertight. All external interceptors must include a sample vault.

SECTION 28. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-174 pertaining to Interceptors -- Maintenance and which shall read as follows:

Sec. 25-174. Interceptors – Maintenance.

(a) Where installed, interceptors such as grease, oil, or sand shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and soils. Decanting or discharging of

removed waste back into the trap or interceptor or any appurtenance of the wastewater collection system shall be strictly prohibited. All grease traps and interceptors shall be pumped out or cleaned out completely at least once every ninety (90) days, or more frequently if, in the opinion of the Director, an increased pumping frequency is warranted. The Director may grant a variance in writing for pumping frequency if the Director determines that such variance will be consistent with the purposes of this Chapter.

(b) The use of enzymes, chemicals, or bacteria as a substitute for grease trap or interceptor maintenance shall be prohibited. The Director may authorize the use of such additives as a supplement upon a written request that includes MSDS sheets for all additives involved. Addition of emulsifiers into grease traps or interceptors shall be strictly prohibited. The owner shall keep written records and documentation of all cleaning, repair, calibration and maintenance required by this Section. Records shall be kept at the facility for a minimum of three (3) years and be made available to the Utilities Director upon request.

SECTION 29. Chapter 25 of the Peoria City Code (1992) is amended by amending Section 25-175 pertaining to Control manholes and which shall read as follows:

Sec. 25-175. Control manholes.

When required by the Director of Utilities, the owner of any property served by a building sewer carrying potentially harmful or industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, measurement, and sampling of the wastes. Control manholes shall be required for all New Source interceptors. Such manholes, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Director of Utilities. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

SECTION 30. 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.

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

- (a) 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.

(4) Fail to comply with corrective or initial installation process as per the Community Development Department, 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) The City shall conduct inspections to ensure compliance with this Section.

(c) 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 Sections 25-161 and 162 of Chapter 25 of this Code.

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

SECTION 31. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-177 pertaining to Hauled Wastewater and which shall read as follows:

Sec. 25-177. Hauled Wastewater. The City currently does not accept any hauled waste from outside sources. Should the circumstance arise wherein the City would elect to accept a load of hauled waste, all of the following provisions will apply:

(a) Septic tank waste may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. Such waste shall not violate this Chapter or any other requirements established by the City. The Director may require septic tank waste haulers to obtain individual wastewater discharge permits.

(b) The Director shall require haulers of industrial waste to obtain individual wastewater discharge permits. The Director may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Chapter.

(c) Industrial waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable standards. The Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 32. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-178 pertaining to Regulation of Waste Received from Other Jurisdictions and which shall read as follows:

Sec. 25-178. Regulation of Waste Received from Other Jurisdictions

(a) If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Director shall enter into an intergovernmental agreement with the contributing municipality:

(b) Prior to entering into an agreement required by this Section, the Director shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as the Director may deem necessary.

(c) An intergovernmental agreement shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use Plan which is at least as stringent as the pretreatment provisions of this Chapter and Local Limits, including required baseline monitoring reports ("BMR's") which are at least as stringent as those set out in this Chapter. The requirement shall specify that such provisions and limits must be revised as necessary to reflect changes made to this Chapter or local limits;

(2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director; and which of these activities will be conducted jointly by the contributing municipality and the Director;

(4) A requirement for the contributing municipality to provide the Director with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring the Director access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of

inspection, sampling, and any other duties deemed necessary by the Director;
and

(8) A provision specifying remedies available for breach of the terms of the intergovernmental agreement. The City shall have the right to take legal action to enforce the terms of the intergovernmental agreement (such as compliance with the contributing municipality's Code provisions) or to impose and enforce pretreatment standards and requirements directly against noncompliant dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

SECTION 33. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-179 pertaining to Reports of Changed Conditions and which shall read as follows:

Sec. 25-179. Reports of Changed Conditions

(a) Each User must notify the Director of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

(b) The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 25-145.

(c) The Director may issue a wastewater discharge permit under Section 25-144 or modify an existing wastewater discharge permit under Section 25-146 in response to changed conditions or anticipated changed conditions.

(d) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

(e) All periodic compliance reports must be signed and certified in accordance with Section 25-143.

(f) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(g) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in Section 25-151, the results of this monitoring shall be included in the report.

SECTION 34. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-180 pertaining to Reports of Potential Problems and which shall read as follows:

Sec. 25-180. Reports of Potential Problems

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a Slug Discharge or Slug Load, that may cause potential problems for the POTW, the User shall immediately and no later than within 24 hours telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

(b) Within ten business days following such discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) 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, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to the pretreatment provisions of this Chapter.

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

(d) Significant Industrial Users are required to notify the Director immediately of any changes at its' facility affecting the potential for a Slug Discharge.

SECTION 35. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-181 pertaining to Reports from Unpermitted Users and which shall read as follows:

Sec. 25-181. Reports from Unpermitted Users

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.

SECTION 36. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-182 pertaining to Notice of Violation/Repeat Sampling and Reporting and which shall read as follows:

Sec. 25-182. Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. Resampling by the

Industrial User is not required if the City performs sampling at the facility between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

SECTION 37. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-183 pertaining to Publication of Users in Significant Noncompliance and which shall read as follows:

Sec. 25-183. Publication of Users in Significant Noncompliance.

The Director shall publish annually, in the largest daily newspaper published in the City, a list of the Users which, during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users and shall mean any one or more of the following:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-(6-) month period exceed a numeric Pretreatment Standard or Requirement, including Instantaneous Limits;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-(6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 25-76 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a Pretreatment Standard or Requirement (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within forty-five (45) days after the due date, any required reports, including BMRs, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s) which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the City's pretreatment program.

SECTION 38. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-184 pertaining to Upset and which shall read as follows:

Sec. 25-184. Upset.

(a) For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of Subsection (c) are met.

(c) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the User can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The User has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:

(i) A description of the indirect discharge and cause of noncompliance;

(ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(d) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.

(f) Users shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

SECTION 39. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-185 pertaining to Prohibited Discharge Standards and which shall read as follows:

Sec. 25-185. Prohibited Discharge Standards.

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions contained in Section 25-135(A) or the specific prohibitions contained in Section 25-135(B) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either of the following circumstances exist:

(a) A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

(b) No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its AZPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

SECTION 40. Chapter 25 of the Peoria City Code (1992) is amended by enacting Section 25-186 pertaining to Bypass and which shall read as follows:

Sec. 25-186. Bypass.

(a) For the purposes of this Section, the following definitions shall apply:

(1) "Bypass" means the intentional diversion of wastestreams from any portion of a User's treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Subsections (c) and (d) of this Section.

(c) Notice.

(1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) business days before the date of the bypass, if possible.

(2) A User shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission also shall be provided within ten (10) business days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) Prohibition on Bypass.

(1) Bypass is prohibited, and the Director may take an enforcement action against a User for a bypass, unless all of the following criteria are met:

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The User submitted notices as required under Subsection (c) of this Section.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in Subsection (d)(1) of this Section.

SECTION 41. 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 42. 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
20th day of October, 2009.

Dated: _____
Bob Barrett, Mayor

ATTEST:

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in Peoria Times
Publication Dates: October 23 and October 30, 2009
Effective Date: _____