

Staff Summary Report



Council Meeting Date: 12/13/07

Agenda Item Number: _____

SUBJECT: This is the introduction and first public hearing to amend Chapter 27 of the Tempe City Code relating to Sewers and Sewage Disposal. The second public hearing is set for January 10, 2008.

DOCUMENT NAME: 20071213cacc02 **SEWERS & SEWAGE DISPOSAL (0503-27)**
Ordinance No. 2007.83

SUPPORTING DOCS: No.

COMMENTS: Changes are made in sections that regulate industrial wastewater discharged to the City's sanitary sewer system, including pretreatment requirements.

PREPARED BY: Mike Golden, Environmental Compliance Supervisor (350-2674)

REVIEWED BY: Don Hawkes, Water Utilities Manager (350-2660)

LEGAL REVIEW BY: Charlotte Benson, Senior Assistant City Attorney (350-2813)

FISCAL NOTE: N/A

RECOMMENDATION: Staff recommends adoption of Ordinance No. 2007.83

ADDITIONAL INFO: None

ORDINANCE NO. 2007.83

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 27 OF THE TEMPE CITY CODE, RELATING TO SEWERS AND SEWAGE DISPOSAL BY AMENDING SECTIONS 27-3, 27-4, 27-10, 27-15, 27-22, 27-23, 27-24, 27-32, 27-47, 27-61, 27-82, 27-93 AND 27-151; AND ADDING NEW SECTION 27-197.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That Section 27-3 of the Tempe City Code is hereby amended to read as follows:

Sec. 27-3. Abbreviations.

The following abbreviations, when used in this chapter, shall have the designated meanings:

- ADEQ - Arizona Department of Environmental Quality
- ARS - Arizona Revised Statutes
- AZPDES - Arizona Pollutant Discharge Elimination System
- BMPS - Best Management Practices
- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- gpd - gallons per day
- IU - INDUSTRIAL USER
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System

- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- TCC - Tempe City Code
- SIC - Standard Industrial Classification
- SIU - Significant Industrial User
- SNC - SIGNIFICANT NONCOMPLIANCE
- TSS - Total Suspended Solids
- µg/l - micrograms per liter
- U.S.C. - United States Code

Section 2. That Section 27-4 of the Tempe City Code is hereby amended to read as follows:

Sec. 27-4. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

Act or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*

Approval Authority means the State of Arizona Department of Environmental Quality (ADEQ) or Regional Administrator for Region IX of the U.S. EPA.

Arizona Department of Environmental Quality or ADEQ means the State of Arizona agency granted oversight for pretreatment programs by the U.S. Environmental Protection Agency.

Authorized Representative of the User means:

- a. If the user is a corporation:
 1. 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

2. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
 - c. 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;
 - d. The individuals described in subparagraphs a through c, above, may designate another 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;
 - e. A user not falling within one of the above categories must designate as the authorized representative an individual responsible for the overall operation of the facility.

AZPDES means the Arizona Pollutant Discharge Elimination System.

Best Management Practices or BMPs means schedules of activities, pollution treatment practices or devices, prohibitions of practices, good housekeeping practices, pollution prevention, waste minimization, educational practices, maintenance procedures, or other management practices or devices to prevent or reduce the amount of pollutants entering the Publicly Owned Treatment Works.

Biochemical Oxygen Demand or BOD means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).

Categorical 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.

Clean Water Act means the Federal Water Pollution Control Act, as amended, 33 United States Code § 1251 et seq.

Control Manhole means an access point into the sanitary sewer for the purpose of collecting a representative sample of wastewater discharge to determine compliance with this chapter. Access points used as control manholes will be approved by the water utilities manager.

Environmental Protection Agency or EPA means the U.S. Environmental Protection Agency, the federal agency charged with enforcement of the Clean Water Act.

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.

Grab Sample means a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Indirect Discharge or Discharge means the introduction of pollutants into the POTW from any Nondomestic Source regulated under any laws, rules or regulations of the United States, the State of Arizona or any political subdivision thereof.

Interference means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of any applicable NPDES or AZPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Manager means the manager of water utilities who is hereby designated by the city to supervise the operation of the city's interest in the POTW, and who is charged with certain duties and responsibilities by this article, or other city personnel designated by the water utilities manager to act on his behalf under this article.

New Source means:

- a. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 3. 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;
- b. 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 subparagraph a.1 or a.3 above but otherwise alters, replaces, or adds to existing process or production equipment;
 - c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 1. Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) 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; or
 2. 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 under this paragraph.

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

Nondomestic Discharge or Nondomestic Source means discharges of any substances other than human excrement and household gray water derived from the ordinary living process of residential family homes.

Pass Through means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of any applicable AZPDES permit, including an increase in the magnitude or duration of a violation.

Person means any individual, partnership, copartnership, firm, company, corporation, limited liability company, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all users and all federal, state, and local governmental entities.

pH means a measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, commercial food waste including but not limited to fats, oils, and grease, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment means 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. This reduction or alteration cannot be accomplished by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT DEVICE MEANS EQUIPMENT, MATERIAL OR STRUCTURES TO REDUCE, ELIMINATE, OR ALTER THE NATURE OF POLLUTANT PROPERTIES IN WASTEWATER BEFORE, OR IN LIEU OF, INTRODUCING POLLUTANTS INTO THE POTW.

Pretreatment Requirements means any substantive or procedural requirement including Best Management Practices (BMPs) related to pretreatment imposed on a user as may have been established pursuant to the laws or regulations of the United States, State of Arizona or the city, other than a pretreatment standard.

PRETREATMENT SLUDGE MEANS THE WASTE BYPRODUCT FROM A COMMERCIAL OR MANUFACTURING PROCESS THAT IS REMOVED AS THE RESULT OF CLEANING THE PRETREATMENT DEVICE, INCLUDING BUT NOT LIMITED TO PLATING SLUDGE, DECANT WATER, LINT, SAND, FATS, OIL AND GREASE AND SOLIDS.

Pretreatment Standards or Standards means prohibited discharge standards, categorical pretreatment standards, and local limits as may have been established pursuant to the laws or regulations of the United States, the State of Arizona, or of the city.

Prohibited Discharge Standards or Prohibited Discharges means absolute prohibitions against the discharge of certain substances and limitations on others; these prohibitions appear in Section 27-10 of this article.

Publicly Owned Treatment Works or POTW means a “treatment works,” as defined by Section 212 of the Act (33 U.S.C. §1292) in which the city owns an interest. 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.

SANITARY SEWER OVERFLOW (SSO) MEANS THE DISCHARGE OF SANITARY SEWAGE INTO THE ENVIRONMENT.

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

Significant Industrial User or SIU means:

- a. A user subject to categorical pretreatment standards; or
- b. A user that:
 1. 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);
 2. 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
 3. Is designated as such by the water utilities manager on the basis that the user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- c. Upon a finding that a user meeting the criteria in subparagraph b has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the water utilities manager may at any time, on his 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.

Slug Load or Slug means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 27-10 of this article.

Standard Industrial Classification (SIC) Code means a classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

Storm Water means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Suspended Solids means 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 or measurable by laboratory process.

User or Industrial User OR NONDOMESTIC USER means a source of ~~indirect~~ discharge INTO THE POTW FROM A NONDOMESTIC USE.

Wastewater means 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 Treatment Plant or Treatment Plant means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Section 3. That Section 27-10 of the Tempe City Code is hereby amended to read as follows:

Sec. 27-10. Prohibited ~~discharge standards~~ DISCHARGES.

(a) *General Prohibitions.* No person 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 persons discharging to the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(b) *Specific Prohibitions.* No person 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, 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, fats, oils and grease, in amounts or sizes which will cause obstruction of the flow in the POTW but in no case solids greater than one-half inch(es) (1/2") or one and twenty-seven hundredths centimeter(s) (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 150°F (66°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 may cause interference or pass through or which may form persistent oil emulsions;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants or any other connection or discharge not otherwise permitted, except at discharge points designated by the water utilities manager in accordance with Section 27-24 of this article;
- (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 any applicable NPDES or 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 water utilities manager;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Sludges, screenings, debris, silt or other nonliquid residues from the cleaning of the sanitary sewer collection system;

- (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) Any of the following prohibited substances:

4,4'-DDE
 4,4'-DDT
 Aldrin
 BHC-Alpha
 BHC-Beta
 BHC-Gamma (Lindane)
 Heptachlor
 Heptachlor Epoxide
 Polychlorinated Biphenyl Compounds (PCBs)

- (18) Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten percent (10%) of the Lower Explosive Limit of the meter; or
- (19) Any water or waste exceeding the limits for the following substances that are expressed in the total form except if otherwise stated:

Instantaneous Maximum Allowable Discharge Limitations	
Substance	Effective on January 1, 2005
Benzene	35 (µg/l)*
Chloroform	2000 (µg/l)

*µg/l = micrograms per liter

(C) *WASTEWATER DISCHARGE PERMIT REQUIRED.* NO PERSON SHALL DISCHARGE NONDOMESTIC WASTEWATER UNLESS PERMITTED AS FOLLOWS:

- (1) DIRECT OR INDIRECT DISCHARGE FROM A NONDOMESTIC SOURCE TO THE CITY'S SANITARY SEWER SYSTEM IS PROHIBITED WITHOUT A PERMIT ISSUED BY THE WATER UTILITIES DEPARTMENT; AND
- (2) 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. No industrial waste or sewage shall be discharged to a storm sewer culvert, collection system or waters of the state unless properly permitted.

Section 4. That Section 27-15 of the Tempe City Code is hereby amended to read as follows:

Sec. 27-15. No tampering.

(a) It shall be unlawful for any person to tamper with, damage, or destroy any monitoring equipment with the knowledge or intention of altering the sampling analysis or readings or causing damage or destruction of the monitoring/sampling equipment being utilized to determine compliance with this article.

(b) It shall be unlawful for any person to tamper with a manhole, and to enter any city manhole unless authorization has been obtained in writing from the water utilities manager prior to entry.

(C) IT IS UNLAWFUL FOR ANY PERSON TO TAMPER WITH A PRETREATMENT DEVICE. TAMPERING INCLUDES BUT IS NOT LIMITED TO NON-AUTHORIZED, NON-PERMITTED ALTERATION OF THE ORIGINAL EQUIPMENT OR STRUCTURE DESIGN, DISCHARGE OF WASTE INTO THE PRETREATMENT DEVICE FROM ANY SOURCE OTHER THAN ORIGINALLY INTENDED, OR REMOVAL OF A SOURCE OF DISCHARGE FROM THE PRETREATMENT DEVICE AS ORIGINALLY INTENDED OR DESIGNED.

Section 5. That Section 27-22 of the Tempe City Code is hereby amended to read as follows:

Sec. 27-22. Additional pretreatment measures.

(a) Whenever deemed necessary, the water utilities manager 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 this article.

(b) The water utilities manager may require any user 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. A wastewater discharge permit may be issued solely for flow equalization.

(c) The water utilities manager may require users to install grease, lint, sand/oil interceptors, oil/water separators, hair or grease trap(s) as needed for the proper handling of wastewater containing excessive amounts of fats, oils, grease, lint or sand; except that such interceptors or traps shall not be required for residential users. Requirements for the proper handling of FATS, OILS, GREASE, LINT, SAND AND solids in wastewater are as follows:

- (1) Grease interceptors and grease traps shall be required, installed, and maintained as specified in THIS ARTICLE AND the water utilities manager's policies and

procedures for the sizing and cleaning of interceptors and traps for the food service industry;

- (2) Lint, sand/oil interceptors and oil/water separators shall be installed in compliance with the ~~Uniform~~ Plumbing Code AND THE WATER UTILITIES MANAGER'S POLICIES AND PROCEDURES; and
- (3) All interceptors, separators and traps shall be of the type and capacity approved by the water utilities manager and shall be located to be easily accessible for cleaning and inspection. Interceptors, separators and traps shall be inspected, cleaned, and repaired regularly by the user at the user's expense IN ACCORDANCE WITH THE WATER UTILITIES MANAGER'S POLICIES AND PROCEDURES FOR INTERCEPTORS AND TRAPS. The user shall keep records of all cleaning, repair and maintenance for at least three (3) years on the site where the interceptor, separator or trap is located. Such records shall be available for inspection by the water utilities manager upon request.

(D) THE METHOD FOR DETERMINING THE SIZE OF TRAPS OR INTERCEPTORS IS THE DRAINAGE FIXTURE UNIT VALUE. THE MINIMUM SIZE FOR ALL INTERCEPTORS IS A CAPACITY OF FIVE HUNDRED (500) GALLONS, AND A MAXIMUM SIZE FOR ALL INTERCEPTORS IS A CAPACITY OF TWENTY-FIVE HUNDRED (2,500) GALLONS. INTERCEPTORS MUST BE CONSTRUCTED WITH AT LEAST TWO (2) CHAMBERS. SIZING FOR ALL TRAPS IS A MINIMUM OF A FIFTY (50) GALLON PER MINUTE, ONE HUNDRED (100) POUND CAPACITY WITH THE FLOW CONTROL VALVE INSTALLED IN A MANNER THAT PROVIDES ACCESS AT ALL TIMES. THE APPROPRIATE SIZE FOR INTERCEPTORS AND TRAPS IS DETERMINED AS FOLLOWS:

- (1) *INTERCEPTOR SIZING.* THE INTERCEPTOR SHALL BE SIZED USING THE DRAINAGE FIXTURE-UNIT VALUE AS DEFINED IN THE FOLLOWING TABLE. USING THE DRAIN OUTLET OR TRAP SIZE, THESE SIZES ARE CONVERTED TO DISCHARGE RATES ON THE BASIS THAT ONE FIXTURE-UNIT EQUALS 7.5 GPM.

FIXTURE OUTLET OR TRAP SIZE (INCHES)	DRAINAGE FIXTURE-UNIT VALUE	GPM EQUIVALENT
1 ¼	1	7.5
1 ½	2	15.0
2	3	22.0
2 ½	4	30.0
3	5	37.5
4	6	45.0
FLOOR DRAINS (ALL SIZES)	2	15.0

DISHWASHERS	DOUBLE SIZE	
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- (2) *CALCULATING INTERCEPTOR SIZE.* THE FORMULA TO CALCULATE THE SIZE OF THE INTERCEPTOR IS:
- DETERMINE TOTAL FIXTURE-UNIT VALUE BY MULTIPLYING FIXTURE TYPE COUNT BY DRAINAGE VALUE;
 - TOTAL ALL VALUES;
 - DETERMINE TOTAL FLOW BY MULTIPLYING TOTAL VALUE BY FLOW RATE OF 3 GPM;
 - MULTIPLY TOTAL FLOW BY 12; AND
 - ROUND UP TO THE NEXT NEAREST SIZE INTERCEPTOR.
- (3) *REQUIREMENTS FOR INTERCEPTORS.* THE INTERCEPTOR SHALL BE:
- A MINIMUM OF FIVE HUNDRED (500) GALLON CAPACITY, TWO (2) CHAMBER CONCRETE CONTAINER (FIBER GLASS AND/OR OTHER TYPE MATERIAL MUST BE APPROVED BY THE WATER UTILITIES MANAGER;
 - WHEN CALCULATED TO HAVE A CAPACITY OF SEVEN HUNDRED FIFTY (750) GALLONS OR MORE, THE INTERCEPTOR MUST HAVE THREE (3) CHAMBERS, EACH WITH A MANWAY;
 - CONSTRUCTED WITH INLET PIPING WITH A NINETY DEGREE (90°) ELBOW AND MINIMUM OF AN EIGHTEEN (18) INCH DOWN SPOUT;
 - CONSTRUCTED WITH OUTLET PIPING WITH A TEE CONNECTION AND A THREADED COVER WITH A MINIMUM OF AN EIGHTEEN (18) INCH DOWN SPOUT;
 - INSTALLED WITH A TWO (2) WAY CLEAN-OUT WITHIN FIVE (5) FEET BEFORE AND FIVE (5) FEET AFTER THE INTERCEPTOR; AND
 - CONSTRUCTED WITH THE APPROPRIATE TRAFFIC RATED COVER. THE COVER(S) MUST NOT BE MARKED WITH ANY WORDING INDICATING IT IS OWNED BY THE CITY OF TEMPE.
- (4) *GREASE TRAP INSTALLATION AND SIZING.* GREASE TRAPS ARE ALLOWED ONLY WHEN THERE ARE FOUR (4) OR FEWER THAN

FOUR (4) FIXTURES USED FOR FOOD PREPARATION. ANY FACILITY INSTALLING A DISHWASHER SHALL INSTALL A GREASE INTERCEPTOR. FOR THE PURPOSE OF SIZING A GREASE TRAP, A FIXTURE MEANS THE ENTIRE UNIT, E.G., A THREE (3) COMPARTMENT SINK IS CONSIDERED ONE UNIT. GREASE TRAPS MUST BE INSTALLED AS FOLLOWS:

- a. A GREASE TRAP SHALL BE INSTALLED WHENEVER A THREE (3) COMPARTMENT SINK IS REQUIRED BY MARICOPA COUNTY;
- b. THE MINIMUM SIZE GREASE TRAP TO BE INSTALLED SHALL BE RATED NO SMALLER THAN FIFTY (50) GALLON-PER-MINUTE WITH A ONE HUNDRED (100) POUND GREASE CAPACITY; AND
- c. A FLOW RESTRICTION VALVE SHALL BE INSTALLED UPSTREAM OF THE GREASE TRAP AND VENTED PROPERLY. IF PLACED BELOW FLOOR LEVEL THE FLOW RESTRICTION VALVE MUST BE INSTALLED IN A MANNER WHICH ALLOWS FOR INSPECTION AND MAINTENANCE.

(E) EXCEPT FOR DOMESTIC SOURCES, USERS SHALL NOT INSTALL OR REPLACE EQUIPMENT DESIGNED TO CONVERT GARBAGE OR SOLID WASTE INTO LIQUEFIED WASTE AND INTRODUCE SUCH WASTE INTO THE POTW BY MEANS OF A GARBAGE GRINDER/DISPOSAL. DISPOSAL OF GARBAGE AND SOLID WASTE SHALL BE DISPOSED OF AS SOLID WASTE.

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

Section 6. That Section 27-23 of the Tempe City Code is hereby amended to read as follows:

Sec. 27-23. Accidental discharge/slug control plans.

~~At least once every two (2) years,~~ The water utilities manager shall evaluate whether each significant industrial user (SIU), and other users as may be designated by the water utilities manager, needs an accidental discharge/slug control plan: WITHIN THIRTY (30) DAYS OF ISSUING THE INITIAL WASTEWATER DISCHARGE PERMIT AND UPON THE RENEWAL OF ANY SUBSEQUENT WASTEWATER DISCHARGE PERMIT. The water utilities manager may require any user to develop, submit for approval, and implement such a plan. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;

- (3) Procedures for immediately notifying the water utilities manager of any accidental or slug discharge, as required by Section 27-56 of this article; 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.

Section 7. That Section 27-24 of the Tempe City Code is hereby amended to read as follows:

Sec. 27-24. Hauled wastewater.

(a) Septic tank waste may be introduced into the POTW only at locations designated by the water utilities manager, and at such times as are established by the water utilities manager. Such waste shall not violate Division 2 of this article or any other requirements established by the city. The water utilities manager may require septic tank waste haulers to obtain wastewater discharge permits.

(b) The water utilities manager shall require haulers of industrial waste AND NONHAZARDOUS LIQUID WASTE OPERATING WITHIN THE CITY to obtain wastewater discharge OR PUMPING permits. The water utilities manager may require generators of hauled industrial waste to obtain wastewater discharge permits. The water utilities manager also may prohibit the disposal of hauled industrial AND NONHAZARDOUS LIQUID waste. The discharge of hauled industrial waste is subject to all other requirements of this article.

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

(d) Industrial waste AND NONHAZARDOUS LIQUID 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 IU, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Section 8. That Section 27-32 of the Tempe City Code is hereby amended to read as follows:

Sec. 27-32. Wastewater discharge permit requirement.

(A) A PERMIT TO DISCHARGE WASTEWATER TO THE CITY'S SANITARY SEWER SYSTEM IS ISSUED TO ALL NONDOMESTIC USERS WHO MEET THE REQUIREMENTS OF THIS SECTION.

(B) BEFORE DISCHARGING DIRECTLY OR INDIRECTLY TO THE CITY'S SANITARY SEWER SYSTEM, ALL NONDOMESTIC USERS SHALL COMPLETE AND SUBMIT TO THE WATER UTILITIES MANAGER A NOTICE OF INTENT (NOI) TO DISCHARGE. THE NOI SHALL BE SUBMITTED ON A FORM PROVIDED BY THE WATER UTILITIES DEPARTMENT AND SHALL INCLUDE THE FOLLOWING INFORMATION:

- (1) BUSINESS NAME;
- (2) BUSINESS ADDRESS;
- (3) BUSINESS OWNER;
- (4) OWNER'S MAILING ADDRESS;
- (5) TYPE OF BUSINESS;
- (6) BUSINESS PREMISE STATUS; AND
- (7) A STATEMENT SIGNED BY THE BUSINESS OWNER OR OPERATOR CERTIFYING THAT THE USER UNDERSTANDS THE REQUIREMENTS OF THIS SECTION AND HAS A SYSTEM IN PLACE TO ENSURE THE REQUIREMENTS OF THIS SECTION ARE MET.

(C) ALL NONDOMESTIC USERS DISCHARGING PURSUANT TO THIS SECTION SHALL:

- (1) COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS, INCLUDING THE CLEAN WATER ACT (33 UNITED STATES CODE § 1251 ET SEQ.) AND THE GENERAL PRETREATMENT REGULATIONS (40 CODE OF FEDERAL REGULATIONS PART 403);
- (2) NOT INTRODUCE POLLUTANTS INTO THE PUBLICLY OWNED TREATMENT WORKS THAT WILL INTERFERE WITH ITS OPERATION AND EFFICIENT FUNCTIONING OF THE SYSTEM;

- (3) CONDUCT PERIODIC MAINTENANCE OF THE PRIVATE SYSTEM INCLUDING BUT NOT LIMITED TO CLEANING ALL PRETREATMENT DEVICES IN ACCORDANCE WITH THE WATER UTILITIES DEPARTMENT POLICIES AND § 27-22 OF THIS ARTICLE;
- (4) TAKE ALL NECESSARY ACTIONS TO PREVENT THE DISCHARGE OF SEWAGE FROM THE USER'S PRIVATE SYSTEM. IF A SANITARY SEWER OVERFLOW (SSO) OCCURS THE USER SHALL MITIGATE THE SSO AND PROPERLY SANITIZE ANY AREA THAT COULD CREATE A PUBLIC HEALTH HAZARD; AND
- (5) NOTIFY THE WATER UTILITIES DEPARTMENT IMMEDIATELY IF AN SSO ENTERS THE PUBLIC RIGHT-OF-WAY AND COMPLY WITH § 27-197 OF THIS CHAPTER.

(a D) No significant industrial user (SIU) shall discharge wastewater into the POTW without first obtaining a CLASS I wastewater discharge permit from the water utilities manager, except that a SIU that has filed a timely application pursuant to Section 27-33 of this article may continue to discharge for the time period specified therein.

(b E) The water utilities manager may require other users to obtain A CLASS II, III, OR IV wastewater discharge permits as necessary to carry out the purposes of this article.

(c F) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in Divisions 10 through 12 of this article. 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 9. That Section 27-47 of the Tempe City Code is hereby amended to read as follows:

Sec. 27-47. Wastewater discharge permit reissuance.

A user with an expiring wastewater discharge permit shall apply for REISSUANCE OF THE wastewater discharge permit ~~reissuance by submitting~~: AS FOLLOWS:

- (1) IF NO SIGNIFICANT CHANGES HAVE BEEN MADE TO PROCESSES OR RESPONSIBLE PERSONNEL SINCE THE LAST INSPECTION CONDUCTED BY THE CITY, SUBMIT A LETTER, AT LEAST THIRTY (30) DAYS BEFORE THE PERMIT EXPIRES, REQUESTING THAT THE DISCHARGE PERMIT BE REISSUED; OR
- (2) IF SIGNIFICANT CHANGES TO THE PROCESSES OR RESPONSIBLE PERSONNEL HAVE OCCURRED SINCE THE LAST INSPECTION

CONDUCTED BY THE CITY, SUBMIT a complete permit application, in accordance with § 27-35 of this article, a minimum of thirty (30) days prior to the expiration of the user's existing wastewater discharge permit.

Section 10. That Section 27-61 of the Tempe City Code is hereby amended to read as follows:

Sec. 27-61. Sample collection.

(a) Except as indicated in subsection (b), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the water utilities manager may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.

(b) Samples for oil and grease, temperature, pH, cyanide, sulfides, and those pollutants and limits set forth in Section 27-10(b)(19) must be obtained using grab collection techniques UNLESS OTHERWISE SPECIFIED IN THE WASTEWATER DISCHARGE PERMIT.

Section 11. That Section 27-82 of the Tempe City Code is hereby amended to read as follows:

Sec. 27-82. Publication of users.

The water utilities manager shall publish at least annually, in ~~the largest daily~~ A newspaper OF GENERAL CIRCULATION TO PROVIDE PUBLIC NOTICE WITHIN THE AREA SERVED ~~published in the municipality where the~~ BY THE POTW is located, a list of industrial users which, AT ANY TIME during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. Significant noncompliance is determined at the beginning of each quarter based on data of the previous six (6) months. The term significant noncompliance shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of ALL wastewater measurements taken FOR THE SAME POLLUTANT PARAMETER during a six (6) month period exceed ~~the daily maximum limit or average limit~~ A NUMERIC PRETREATMENT STANDARD OR REQUIREMENT, INCLUDING INSTANTANEOUS LIMITS AS DEFINED BY 40 CFR 403.3(1) ~~for the same pollutant parameter by any amount;~~
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of ALL THE wastewater measurements taken for THE SAME ~~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 40 CFR 403.3(1) ~~daily maximum limit or the average limit~~ multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

- (3) Any other ~~discharge~~ violation OF A PRETREATMENT STANDARD OR REQUIREMENT AS DEFINED BY 40 CFR 403.3(1) (DAILY MAXIMUM, LONG TERM AVERAGE, INSTANTANEOUS LIMIT, OR NARRATIVE STANDARD) that the water utilities manager ~~believes~~ 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;
- (4) Any discharge of pollutants that has caused imminent endangerment to HUMAN HEALTH, WELFARE OF the public or to the environment, or has resulted in the water utilities manager's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days ~~of~~ AFTER the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within thirty (30) days after the due date, any required reports, including BUT NOT LIMITED TO baseline monitoring reports, NINETY (90) DAY COMPLIANCE reports, PERIODIC SELF-MONITORING REPORTS, AND REPORTS on compliance ~~with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance~~ with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other ~~violation(s)~~ VIOLATION, which MAY INCLUDE A VIOLATION OF BEST MANAGEMENT PRACTICES, THAT the water utilities manager determines will adversely affect the operation or implementation of the local pretreatment program.

Section 12. That Section 27-93 of the Tempe City Code is hereby amended to read as follows:

Sec. 27-93. Termination of discharge.

(A) In addition to the provisions in §§ 27-46 AND 27-113 of this article, as deemed appropriate by the water utilities manager, any person who violates ANY OF the following conditions is subject to discharge termination.

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

- (4) Refusal of reasonable access to the person's premises for the purpose of inspection, monitoring, or sampling;
- (5) Violation of the pretreatment standards in Division 2 of this article;
- (6) Failure to timely pay any sewer user fees or charges, fines or penalties under this chapter; OR
- (7) FAILURE TO PROPERLY MAINTAIN PRETREATMENT EQUIPMENT.

(B) ~~Such~~ A person THAT VIOLATES ANY OF THE CONDITIONS IN THIS SECTION will be notified of the proposed termination of its discharge and WILL be offered an opportunity to show cause under § 27-88 of this article why the proposed action should not be taken. Exercise of this option by the water utilities manager shall not be a bar to, or a prerequisite for, taking any other action against the person.

Section 13. That Section 27-151 of the Tempe City Code is hereby amended to read as follows:

Sec. 27-151. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context clearly indicates a different meaning:

Building connection or house connection means the connection to the public sewer and the extension from the sewer.

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

Industrial wastes means the liquid, gaseous or solid wastes produced as a result of any industrial OR COMMERCIAL operation.

Properly shredded garbage means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-fourth of an inch in any dimension. DEVICES USED TO SHRED GARBAGE SHALL NOT BE INSTALLED IN COMMERCIAL OR INDUSTRIAL SOURCES.

Sanitary sewer system means all facilities for collecting, pumping, transporting and treating domestic or industrial wastes of any nature, including all such facilities both inside and outside of the city as to which the City has an interest in its ownership, operation, control or capacity.

Standard methods or standard laboratory procedure means the procedure outlined in the latest edition of the book, "Standard Methods for the Examination of Water and Sewage," published by the American Public Health Association.

Section 14. That new section 27-197 of the Tempe City Code is hereby added to read as follows:

SEC. 27-197. REIMBURSEMENT FOR REMEDIATION.

(A) WHEN IT IS NECESSARY TO REMEDIATE A PRIVATE SANITARY SEWER SPILL, RELEASE OF INDUSTRIAL WASTE, OR CHEMICAL RELEASE THAT HAS ENTERED THE CITY'S RIGHT-OF-WAY, HAS THE POTENTIAL TO ENTER THE PUBLIC RIGHT-OF-WAY, OR POSES A THREAT TO PUBLIC HEALTH, SAFETY AND WELFARE, THE PROPERTY OWNER OR RESPONSIBLE PARTY USING THE PROPERTY WILL BE ISSUED A WRITTEN NOTICE ORDERING THE REMEDIATION OF THE AREA OF CONCERN.

(B) THE PROPERTY OWNER OR RESPONSIBLE PARTY USING THE PROPERTY SHALL COMMENCE THE REMEDIATION WITHIN ONE HOUR OF RECEIVING THE WRITTEN NOTICE ORDERING REMEDIATION. FAILURE TO FOLLOW THE ORDER TO REMEDIATE WITHIN THE SPECIFIED TIME SHALL BE CAUSE FOR THE CITY TO REMEDIATE THE CITY'S RIGHT-OF-WAY AND ANY AREA THAT POSES A THREAT TO PUBLIC HEALTH, SAFETY AND WELFARE.

(C) THE PROPERTY OWNER OR RESPONSIBLE PARTY USING THE PROPERTY SHALL BE CHARGED FOR TIME AND MATERIALS NECESSARY TO REMEDIATE THE PROPERTY TO THE EXTENT NECESSARY TO ELIMINATE THE THREAT TO PUBLIC HEALTH, SAFETY, AND WELFARE AND AN ADMINISTRATIVE FEE OF FIVE PERCENT (5%) OF THE TOTAL REMEDIATION COSTS.

(D) FAILURE TO COMPLY WITH THE WRITTEN ORDER TO REMEDIATE OR FAILURE TO REIMBURSE THE CITY FOR THE COSTS OF REMEDIATION AND PAY THE ADMINISTRATIVE FEE SHALL BE CAUSE FOR TERMINATION OF WATER AND SEWER SERVICES TO THE PROPERTY.

Section 15. Pursuant to the Tempe City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this ____ day of _____, 2007.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney