

ORDINANCE 146-99

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING THE QUEEN CREEK TOWN CODE, CHAPTER 16, SANITARY SEWER REGULATIONS BY REPEALING THE EXISTING CHAPTER 16 IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 16, ENTITLED "UTILITIES" WITH A NEW ARTICLE 16-4 ENTITLED "SANITARY SEWER REGULATIONS".

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

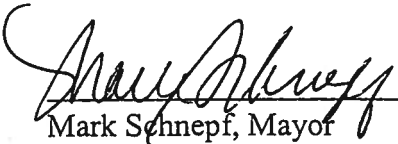
Section 1. That the Town Code, Chapter 16, Sanitary Sewer Regulations consisting of Article 16-1 Mandatory Sewer Connections is hereby repealed upon the effective adoptions of this ordinance.

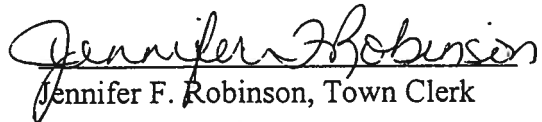
Section 2. That the Town Code is hereby amended by the inclusion of a new Chapter 16, entitled "Utilities" consisting of Article 16-4, Sanitary Sewer Connection and that the text of the entire article is set forth in that certain public record document known as the Town of Queen Creek Sanitary Sewer Regulations of March 17, 1999 such public record having been adopted by resolution of the Mayor and Common Council on April 7, 1999.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Queen Creek, Arizona, this 7<sup>th</sup> day of April, 1999.

FOR THE TOWN OF QUEEN CREEK:

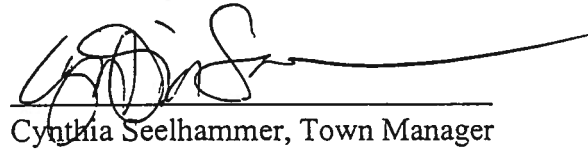
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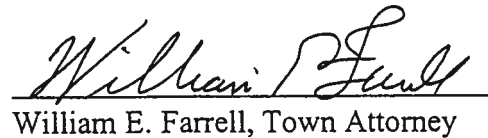
  
Mark Schnepf, Mayor

  
Jennifer F. Robinson, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

  
Cynthia Seelhammer, Town Manager

  
William E. Farrell, Town Attorney

**CHAPTER 16  
UTILITIES  
ARTICLE 4  
SANITARY SEWER REGULATIONS**

**SECTION:**

- 16-4-1: Definitions**
- 16-4-2: Treatment of Polluted Waters Required**
- 16-4-3: Disposal of Pollutants**
- 16-4-4: Digging up Streets Without a Permit; Tampering with Equipment Prohibited**
- 16-4-5: Private Wastewater Systems**
- 16-4-6: Sanitary Sewers Outside Town**
- 16-4-7: Sanitary Sewers; Design, Construction, and Inspection**
- 16-4-8: Building Connections; Permit, Approval, Records, and Responsibility**
- 16-4-9: Ownership of Public Sewer Lines and Other Equipment Maintained by the Public Works Department**
- 16-4-10: Sewer Charges Set by Separate Ordinance**
- 16-4-11: (Reserved for Future Use)**
- 16-4-12: (Reserved for Future Use)**
- 16-4-13: (Reserved for Future Use)**
- 16-4-14: (Reserved for Future Use)**
- 16-4-15: Prohibited Substances and Discharge Limitations**
- 16-4-16: Industrial Users Identified as Class I, II, or III**
- 16-4-17: General Industrial User Requirements**
- 16-4-18: Class I and II Industrial User Permit Requirements**
- 16-4-19: Significant Industrial User Reporting Requirements**
- 16-4-20: More Stringent Federal Requirements to Control**
- 16-4-21: Pretreatment; Maintenance of Facilities and Bypass**
- 16-4-22: Interceptors**
- 16-4-23: Control Manholes**
- 16-4-24: Right of Entry for Inspection**
- 16-4-25: Determination of Wastewater Quality**
- 16-4-26: Confidential Information**
- 16-4-27: Authority of the Public Works Director to Regulate and Enforce TCS/ POTW User Compliance**
- 16-4-28: Violations; Restriction of Sewer Service**
- 16-4-29: Violations; Administrative Penalties**
- 16-4-30: Violations; Civil and Criminal Actions**
- 16-4-31: Enforcement of Chapter**

**16-4-1: DEFINITIONS:**

**APPROVAL AUTHORITY:** The E.P.A. Regional Administrator.

**B.O.D. (BIOCHEMICAL OXYGEN DEMAND):** 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 degrees centigrade (20°C), reported in milligrams per litre.

**GRAB SAMPLE:** An individual sample of effluent collected in less than fifteen (15) minutes.

**INDUSTRIAL DISCHARGE:** Any introduction into the TCS/POTW of wastewater other than domestic wastewater which either:

- (A) Is produced by a source which would be subject to any categorical standards or pretreatment requirements if such source were to be discharged to the TCS/POTW or
- (B) Contains any substance or pollutant for which a discharge limitation or prohibition has been established by any categorical standard or pretreatment requirements.

**INDUSTRIAL USER:** Any one (1) or more of the following:

- (A) A source of indirect discharge of pollutants into the TCS/POTW from a person other than a TCS/POTW user who discharges only domestic wastewater regulated under C.W.A. §307(b), (c), and (d);
- (B) Any nonresidential TCS/POTW user of the sewer system which discharges more than the equivalent strength of twenty-five thousand (25,000) gallons per day of domestic wastewater;
- (C) Has control over the disposal of a waste as described in (A) and (B) above; or
- (D) Has the right of possession and control over any property which produces wastewater as described in (A), (B), or (C) above.

**INDUSTRIAL WASTEWATER DISCHARGE PERMIT:** A written authorization issued by the **Public Works Director** categorized as either Class I or Class II allowing a Class I or Class II industrial user to discharge wastewater into a sanitary sewer owned or operated by the Town.

**INFLOW:** Water other than wastewater that enters the TCS/POTW, including sewer service connections, from sources such as roof leaders, cellar drains, foundation drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage.

**INTERFERENCE:** A discharge which, alone or in conjunction with a discharge from other sources, both:

**PERMITTEE:** Any person who owns, operates, processes, or controls an establishment or plant being operated under a valid Industrial Wastewater Discharge Permit to discharge wastewater into the TCS/POTW.

**PERSON:** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, state, municipality, Indian tribe, political subdivision of the state, federal governmental agency, or any other legal entity, including their legal representatives, agents, or assigns.

**pH:** The logarithm of the reciprocal of the weight of hydrogen ions in grams per litre of solution.

**POLLUTANT:** Any dredged spoil, solid waste, incinerator residue, wastewater sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural wastes.

**POTW:** Publicly owned treatment works and connecting sewer collection system which are owned and/or operated, in whole or in part, by the Town of Mesa and which provide the Town with wastewater collection and disposal services.

**POTW USER:** Any person, lot, parcel of land, building, or premises that discharges or causes or permits the discharge of wastewater into the POTW.

**PRETREATMENT:** The physical, chemical, biological, or other treatment of any industrial discharge prior to the POTW for the purpose of any one (1) or more of the following activities:

- (A) Reducing the amount of concentration of any pollutant;
- (B) Eliminating the discharge of any pollutant; or
- (C) Altering the nature of any pollutant characteristic to a less harmful state.

**PRETREATMENT REQUIREMENTS:** All of the duties or responsibilities imposed upon the TCS/POTW users by this Chapter.

**PRETREATMENT STANDARDS:** Any regulation containing pollutant discharge limits promulgated by the E.P.A. in accordance with C.W.A. §307(b) and (c) which applies to industrial users.

**PROCESS WASTEWATER:** Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

TCS/POTW's operation or violating any pretreatment standard or requirement.

**SIGNIFICANT NONCOMPLIANCE:** As determined by a compliance assessment at the end of each calendar quarter using a six- (6-) month period which includes the present quarter and the previous quarter, any one (1) or more of the following situations will be considered significant noncompliance:

- (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six- (6-) month period exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter;
- (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six- (6-) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (one and four-tenths [1.4] for B.O.D., S.S., fats, oil, and grease and one and two-tenths [1.2] for all other pollutants except pH);
- (C) Any other violation of a pretreatment standard, daily maximum, or longer-term average that the Public Works Director determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of TCS/POTW personnel or the general public;
- (D) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the Town's exercise of its emergency authority to halt or prevent such a discharge;
- (E) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone developed under this Chapter for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety- (90-) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance; or
- (H) Any other violation or group of violations which the Public Works Director determines will adversely affect the operation or implementation of this Chapter.

**WASTEWATER:** The spent or used water of a community or industry which contains dissolved and suspended matter.

**16-4-2: TREATMENT OF POLLUTED WATERS REQUIRED:**

It shall be unlawful to discharge to any outlet into a ditch a channel in which a flow of water occurs, either continuously or intermittently, or to any body of surface water or groundwater within the Town in any area under the jurisdiction of the Town any wastewater or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this Chapter.

**16-4-3: DISPOSAL OF POLLUTANTS:**

- (A) It shall be unlawful for any trucked or hauled pollutant to be discharged into the TCS/POTW unless previously approved by the Town Manager.
- (B) It shall be unlawful to dispose of any pollutant by means other than those authorized by applicable federal, state, and local requirements.

**16-4-4: DIGGING UP STREETS WITHOUT A PERMIT; TAMPERING WITH EQUIPMENT PROHIBITED:**

It shall be unlawful to:

- (A) Dig up or cause to be dug up any street or alley in the Town for the purpose of connecting to the TCS/POTW without first obtaining a permit from the Town Engineer;
- (B) Having a permit, dig up any portion of any street or alley of the Town for the purpose of connecting to the TCS and fail or neglect to place the street or alley in its original condition; or
- (C) Maliciously or willfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the TCS.

**16-4-5: PRIVATE WASTEWATER SYSTEMS:**

- (A) Except as provided in this Chapter, it shall be unlawful to construct or maintain within the Town any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- (B) Where a public sanitary sewer is not available within the Town or in any area under the jurisdiction of the Town, the building sewer shall be connected to a private wastewater disposal system, complying with the provisions and recommendations of the Arizona Department of Environmental Quality and

- (D) The Town shall keep a record of all building sewer connections made and the purpose for which they are to be used, together with the name of the owner of the property, the owner's agent, or a representative.
- (E) The property owner shall be responsible for the cleaning, unstopping, maintenance, and repair of the building connection piping serving the property from the owner's home or building to the public sewer.
- (F) Where the correction of a stoppage requires the repair or replacement of a damaged or broken section of the building connection and the damaged or broken section is located off-property in a street or alley, the property owner shall have the damaged or broken section repaired by a licensed contractor who shall obtain all permits required by the Town.

**16-4-9: OWNERSHIP OF PUBLIC SEWER LINES AND OTHER EQUIPMENT MAINTAINED BY THE Public Works Department:**

The ownership of all public sewer lines, pumping stations, treatment facilities, and equipment and other appurtenances to the sewer system maintained or accepted for maintenance by the Public Works Department shall be vested in the Town and in no case shall the owner of any premises have the right to claim any part except where otherwise provided in this Code.

**16-4-10: SEWER CHARGES SET BY SEPARATE ORDINANCE:**

- (A) The Council shall at least biennially by separate ordinance set the fee to be made for sewer service and use. Such fee shall be apportioned to include not only a user charge, which shall be used exclusively to generate revenues sufficient to pay the total operation and maintenance (including replacement) costs of the TCS, but also other sewer service charges as desired by the Council. The user charge shall be allocated in such a manner that is proportionate to the cost of providing wastewater service to each TCS/POTW user or user class insofar as those costs can reasonably be determined. Further, the user charge shall be based upon the volume and strength, including B.O.D. and S.S., of the wastewater discharged. However, those residential customers not connected to the POTW but with an active utility account and a usable Town sewer main adjoining the premises shall pay, in lieu of the user charge and in addition to the charge levied to offset capital expenses, an amount equal to the user charge as stated on the applicable rate schedule.
- (B) A "usable Town sewer main" is defined for purposes of this Section as one that is adjacent to the parcel and which has a service line extended to the property line of the parcel.

any single reading or more than five percent (5%) for any two (2) consecutive readings.

4. Solid or viscous pollutants, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause any one (1) or more of the following:
  - (a) Interference;
  - (b) Pass-through; or
  - (c) Obstruction to the flow in sewers or other interference or damage with the system or treatment plant.
5. Wastewater containing a toxic, radioactive, poisonous, or other substance in sufficient quantity to injure or interfere with any TCS/POTW process, cause corrosive structural damage, constitute a hazard to humans, or create any hazard to the TCS/POTW or in the receiving waters of the TCS/POTW; or pollutants which result in the presence of toxic gases, vapors, or fumes within the TCS/POTW in a quantity that may cause acute worker health and safety problems.
6. Wastewater with a pH less than five (5.0) standard units (SU) or greater than ten and one-half (10.5) SU.
7. Wastewater with a temperature greater than one hundred fifty degrees Fahrenheit (150°F) or heat in amounts which will inhibit biological activity in the POTW resulting in interference; but in no event, heat in such quantities that the temperature at the headworks of the POTW exceeds one hundred four degrees Fahrenheit (104°F) (forty degrees Centigrade [40°C]).
8. Wastewater that has been diluted in any way as a substitute for pretreatment for the purpose of obtaining compliance with any categorical standard or pretreatment requirement imposed by this Chapter except where dilution is expressly authorized by any categorical standard.
9. Wastewater that could cause a violation of any categorical standard or pretreatment requirement.
10. A discharge, other than domestic wastewater, that exhibits a characteristic of a hazardous waste or contains a substance that is listed as a hazardous waste pursuant to either Arizona Administrative

of the daily average effluent limitations if the Public Works Director determines in writing that such user is responsible for an industrial discharge which causes or has the reasonable potential to cause harm or damage to worker safety, public safety, or the environment. This written determination shall identify the daily average effluent limitations applicable to the user that are necessary to minimize the potential harm or damage to worker safety, public safety, and the environment.

1. The daily average effluent limitation shall be the maximum allowable concentration permitted in a discharge as measured, where feasible, in a composite sample obtained by flow proportional sampling techniques. If the Public Works Director determines that flow-proportional campsite sampling is not feasible, the Public Works Director may allow or conduct composite sampling by time-proportional techniques or by the compositing or averaging of one (1) or more grab samples.
2. Sampling for the daily average effluent limitation shall be conducted using the sample type specified in paragraph 3 of this Subsection.
3. The daily average effluent limitation for the following parameters, expressed in the total form as micrographs per liter (uG/L), shall be:

|     |                  |          | <u>Sample</u> |             |
|-----|------------------|----------|---------------|-------------|
|     | <u>Parameter</u> |          | <u>Limit</u>  | <u>Type</u> |
| (a) | Arsenic          | 100      | Composite     | Composite   |
| (b) | Boron            |          | 5,600         |             |
| (c) | Cadmium          | 47       | Composite     |             |
| (d) | Chromium VI      | No Limit | Composite     |             |
| (e) | Chromium         | 1,400    | Composite     |             |
| (f) | Copper           | 1,700    | Composite     |             |
| (g) | Cyanide          | 2,000    | Grab          |             |
| (h) | Lead             | 500      | Composite     |             |
| (i) | Mercury          | 50       | Composite     | Grab        |
| (j) | Nickel           | 5,000    | Composite     |             |
| (k) | Oil & Grease     |          | 100,000       |             |
|     | (TPH)*           |          |               |             |
| (l) | Selenium         | 100      | Composite     |             |
| (m) | Silver           | 500      | Composite     |             |
| (n) | Sulfides         | 10,000   | Grab          |             |
| (o) | Zinc             | 5,400    | Composite     |             |

- (B) Comply with the orders of the Public Works Director designed to implement the categorical standards, pretreatment requirements, and all other requirements imposed by this Chapter.
- (C) If a new industrial user, file, prior to the discharge of wastewater to the TCS/POTW, a written notice with the Public Works Director which identifies all of the following:
  - 1. Name and address of the existing or prospective industrial users;
  - 2. Business locations served or to be served by the POTW;
  - 3. Nature, concentration, and amounts of any substance present at, or intended to be present at, such business locations which, if discharged to the TCS/POTW, could constitute an industrial discharge; and
  - 4. Nature and concentration of all pollutants currently discharged to the TCS/POTW from such business locations.
- (D) Assist the Public Works Director in updating the industrial user survey which contains the information requested in Subsection (C) of this Section. The Public Works Director may request additional information to determine compliance.
- (E) Carry out and maintain an adequate record of all self-inspection and self-monitoring activities necessary for the industrial user to know at all times whether or not such user is introducing any industrial discharge to the TCS/POTW.
- (F) Assist the Public Works Director to determine the exact nature, concentration, and volume of any pollutant intended for discharge to the TCS/POTW. Therefore, upon request, any industrial user shall promptly do any one (1) or more of the following:
  - 1. Allow the examination and copying of all relevant records or documents available to the user.
  - 2. Allow the inspection of all business locations served by the TCS/POTW, including all pretreatment equipment, methods, and activities utilized by the user at such locations.
  - 3. Install and maintain at the user's expense convenient and adequate monitoring and/or sampling points needed by the Public Works Director for monitoring and/or sampling purposes.

4. Corrective action undertaken, being undertaken, and/or to be undertaken by the industrial user. Any industrial user causing such a discharge also shall initiate all appropriate corrective action required by the Public Works Director needed to accomplish all of the following:
  - (a) Prevent injury to human health or safety or to the environment, the TCS/POTW, and/or any other property;
  - (b) Promptly repair all or part of any injury or damage caused by such discharge; and
  - (c) Ensure that a discharge does not occur again.
- (J) Pay all sewer fees charged by the Town for the TCS/POTW services provided by the Public Works Director pursuant to the requirements of this Chapter. Such service fees will apply equally to all industrial users and will be determined by each user's proportionate share of the TCS/POTW operating and maintenance costs. In turn, the proportionate share will be based on such factors as the strength, volume, and flow rate of wastewater discharged to the TCS/POTW by each user.
- (K) Reimburse the Town for all expenses reasonably incurred by the Town in insuring such industrial user's compliance with the applicable requirements of this Chapter. A schedule of such costs will be determined by the Public Works Director. Expenses include the costs related to all of the following:
  1. Issuing permits;
  2. Conducting inspection, surveillance, and monitoring activities;
  3. Obtaining laboratory analysis of wastewater samples;
  4. Taking enforcement actions against industrial users not in compliance with the requirements of this Chapter; and
  5. Carrying out any measure needed for the protection of human health or safety, the environment, the TCS/POTW, or any other property in order to correct or mitigate any harm caused by the violation of any categorical standard or pretreatment requirement.
- (L) If a significant industrial user, comply with the requirements of Section 16-4-19(G)2 of the Queen Creek Town Code when a limit violation is detected during self-monitoring.

industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

6. In the case of new regulations promulgated by the E.P.A. under Section 3001 of the Resource Conservation and Recovery Act identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the Public Works Director of the discharge of such substance within ninety (90) days from the effective date of such regulations.
  7. In the case of any notification made under this Subsection, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable and that it has selected the method of treatment, storage, or disposal currently available which minimizes the present and future threat to human health and the environment.
- (N) If a significant industrial user, sign applications for permits, correspondence, and required reports following the requirements in Section 16-4-19(H) of the Queen Creek Town Code.
- (O) Promptly notify the Public Works Director in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 C.F.R. §403.12(p).
- (P) For purposes of record keeping:
1. Maintain records of all information resulting from any monitoring activities required by this Section. Such records shall include all of the following information for all samples:
    - (a) The date, exact place, method, and time of sampling and the names of the individuals taking the samples;
    - (b) The dates analyses were performed;
    - (c) Who performed the analyses;
    - (d) The analytical techniques/methods used; and)
    - (e) The results of such analyses.

#### **16-4-18: CLASS I AND II INDUSTRIAL USER PERMIT REQUIREMENTS:**

Class I and II industrial users shall do all of the following:

- (A) Obtain an Industrial Wastewater Discharge Permit from the Public Works Director. Any application for a permit or an amended permit shall contain the information in the application form or such other information as may be requested by the Public Works Director. The Public Works Director shall issue an Industrial Wastewater Discharge Permit within sixty (60) days after determining that an application for such permit is complete. Such a permit:
  - 1. Will be categorized as Class I or Class II;
  - 2. Will be for a period of time not to exceed five (5) years. A permit may be terminated by revocation by the Public Works Director under Section 16-4-28 of the Queen Creek Town Code or upon voluntary surrender of the permit by the permittee at an earlier date;
  - 3. Is nontransferable by the permittee;
  - 4. May be amended as deemed appropriate by the Public Works Director;
  - 5. Will specifically identify all applicable discharge prohibitions and limitations and monitoring and reporting requirements which the Public Works Director will enforce;
  - 6. For all Class I industrial users, shall include a provision requiring all pretreatment necessary to comply with the categorical standards and pretreatment requirements imposed by this Chapter;
  - 7. May contain requirements for installation and maintenance of inspection and sampling facilities;
  - 8. May require implementation of any of the following pollution prevention methods:
    - (a) Source-reduction practices that reduce the amount of any pollutant which enters any waste stream or otherwise is released into the environment, including fugitive emissions, prior to recycling, treatment, or disposal;
    - (b) Source-reduction practices that reduce the hazards to public health and the environment associated with the release of pollutants; or

3. Fail to give notice to the Public Works Director not less than ninety (90) days prior to any facility expansion, production increase, or process modifications which results or may result in new or increased discharges or a change in the nature of the discharge; or
4. Fail to give advance notice to the Public Works Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

**16-4-19: SIGNIFICANT INDUSTRIAL USER REPORTING REQUIREMENTS:**

- (A) Significant industrial users not subject to categorical standards shall submit to the Public Works Director at least once every six (6) months (on dates specified by the Public Works Director) a description of the nature, concentration, and flow of the pollutants required to be reported to the Public Works Director. These reports shall be based on sampling and analysis performed in the period covered by the report. This sampling and analysis may be performed by the Public Works Director in lieu of such significant industrial user. Where the Public Works Director collects all the information required for the report, such significant industrial user will not be required to submit the report.
- (B) Within one hundred eighty (180) days after the effective date of a categorical standard or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under 40 C.F.R. §403.6(a)(4), whichever is later, existing industrial users subject to such a categorical standard and currently discharging to or scheduled to discharge to the TCS/POTW shall be required to submit to the Public Works Director a report which contains all of the following information:
  1. The name and address of the facility, including the name of the owner and operator;
  2. A list of any environmental control permits held by or for the facility;
  3. A brief description of the nature, average rate of production, and standard industrial classification of the operations carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the TCS/POTW from the regulated processes;
  4. The measured average daily and maximum daily flow, in gallons per day (verifiable estimates of these flows where justified by cost of feasibility considerations may be allowed by the Utility Manager) to the TCS/POTW from both of the following:

alternate concentration or mass limit has been calculated in accordance with §403.6(e), this adjusted limit, along with supporting data, shall be submitted to the Public Works Director.

- (f) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136 for the pollutant in question, or where the approval authority 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, including procedures suggested by the Public Works Director or other parties approved by the approval authority.
  - (g) The baseline report 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 TCS/POTW.
- 6. A statement, reviewed by an authorized representative of the industrial user and certified to by a qualified professional, indicating whether categorical standards are being met, and if not, whether additional operations and maintenance (O & M) and/or additional pretreatment is required for the industrial user to meet the categorical standards and pretreatment requirements; and
  - 7. If additional pretreatment and/or O & M will be required to meet the categorical standards, the shortest schedule by which the industrial 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 categorical standard.
- (C) At least ninety (90) days prior to commencement of a discharge, new sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard shall be required to submit to the Public Works Director a report which contains the information listed in paragraphs 1-5 of Subsection (B) of this Section. New sources also shall be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in paragraphs 4 and 5 of Subsection (B) of this Section.

1. The reports required in Subsections (B), (C), (D), and (E) of this Section 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 Public Works Director, of pollutants contained therein which are limited by the applicable categorical standards. This sampling and analysis may be performed by the Public Works Director in lieu of the industrial user. Where the Public Works Director performs the required sampling and analysis in lieu of the industrial user, the user will not be required to submit the compliance certification required under 40 C.F.R. §§403.12(b)6 and 403.12(d). In addition, where the Public Works Director collects all the information required for the report, including flow data, the industrial user will not be required to submit the report.
2. If sampling performed by an industrial user indicates a violation, the user shall notify the Public Works 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 Public Works Director within thirty (30) days after becoming aware of the violation. However, the industrial user is not required to resample if either:
  - (a) The Public Works Director performs sampling of the industrial user at a frequency of at least once per month or
  - (b) The Public Works Director performs sampling of the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.
3. The reports required in Subsection (E) of this Section shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The Public Works Director shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable categorical standards.
4. All analyses shall be performed in accordance with procedures established by the approval authority pursuant to C.W.A. §304(h) and contained in 40 C.F.R. Part 136 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 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question or where the administrator determines that the

(\$25 million) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (b) By a general partner or proprietor if the industrial user submitting the reports required by Subsections (B), (C), (D), and (E) of this Section is a partnership or sole proprietorship.
- (c) By a duly authorized representative of the individual designated in subparagraph (a) or (b) of this paragraph if all of the following criteria are met:
  - (i) The authorization is made in writing by the individual described in subparagraph (a) or (b);
  - (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
  - (iii) The written authorization is submitted to the Public Works Director.
- (d) If an authorization under subparagraph (c) of this paragraph is no longer accurate because a different individual or position has responsibility for either the overall operation of the facility or environmental matters for the company, a new authorization satisfying the requirements of subparagraph (c) of this paragraph shall be submitted to the Public Works Director prior to or together with any reports to be signed by an authorized representative.

#### **16-4-20: MORE STRINGENT FEDERAL REQUIREMENTS TO CONTROL:**

Upon the effective date of any categorical standards for a particular industrial subcategory, the federal standard shall immediately supersede these limitations if it is more stringent than limitations imposed under this Chapter.

#### **16-4-21: PRETREATMENT; MAINTENANCE OF FACILITIES AND BYPASS:**

- (A) Where pretreatment facilities are provided for wastewater, the facilities shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense. The owner shall keep written records of all

shall be of substantial construction, watertight, and equipped with easily removable covers. When bolted covers are required, they shall be gastight and watertight.

- (D) Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times. The owner shall keep written records of all cleaning, repair, calibration, and maintenance required under this Subsection. The owner shall keep such records at the facility for a minimum of three (3) years.

#### **16-4-23: CONTROL MANHOLES:**

When required by the Public Works Director, the owner of any property served by a building sewer carrying any liquid or free-flowing wastewater, excluding uncontaminated water but including cooling water, resulting from any industrial or manufacturing process or from the development, recovery, or processing of natural resources, with or without S.S., shall install a suitable control manhole in the building sewer to facilitate observation, measurement, and sampling of the wastes. Such manhole shall be accessible, safely located, and constructed in accordance with plans approved by the Public Works Director. The manhole shall be installed by the owner at the owner's expense.

#### **16-4-24: RIGHT OF ENTRY FOR INSPECTION:**

- (A) Any authorized employee or agent of the Public Works Department shall have free access, upon presentation of credentials and at all reasonable hours, to all commercial or industrial premises connected to the Town sewer system service area for the purpose of assessing applicability and/or compliance with the requirements of this Chapter. For purposes of this Section, "free access" shall be the ability of Town personnel to enter TCS/POTW user facilities under safe and nonhazardous conditions with a minimum of delay to inspect any and all parts of the user's facility.
- (B) Any TCS/POTW user or potential user shall allow all actions, including inspection, monitoring, and copying of records, reasonably needed by the Public Works Director to perform the duties required or needed under this Chapter.
- (C) Servicemen, authorized agent, industrial wastewater inspectors, sanitary engineers, or other employees of the Public Works Department whose duty it may be to enter upon commercial or industrial premises to make inspections and collect samples or measure the quantity of wastewater discharged to the Town sewer shall be provided with credentials to identify them as authorized representatives for the Public Works Department.

The Public Works Director is authorized to regulate and enforce TCS/POTW user compliance with the requirements of this Chapter. In carrying out this responsibility, the Public Works Director has authority to:

- (A) Consistent with applicable state and federal requirements, such as the pretreatment standards:
  - 1. Regulate the volume and flow rate of discharge to the TCS/POTW;
  - 2. Establish permissible limits of concentration for various specific substances, materials, waters, or wastes that can be accepted into the TCS/POTW;
  - 3. Specify those substances, materials, waters, or wastes that are prohibited from entering the TCS/POTW;
  - 4. Establish prohibitions and effluent limitations applicable to user classes for various specific substances, materials, waters, or wastes that can be accepted into the TCS/POTW; and
  - 5. Regulate the admission into the public sewers of any wastewater having one (1) or more of the following characteristics:
    - (a) A five- (5-) day biochemical oxygen demand greater than three hundred (300) milligrams per litre by weight;
    - (b) More than three hundred fifty (350) milligrams per litre by weight S.S.; or
    - (c) An average daily flow of greater than twenty-five thousand (25,000) gallons.
- (B) Issue an Industrial Wastewater Discharge Permit pursuant to Section 16-4-18 of the Queen Creek Town Code.
- (C) Incorporate the pertinent requirements of this Chapter into every Town contract with any POTW user located outside of the municipal jurisdiction of the Town. Such contracts may also provide for liquidated damages and, if applicable, specific performance as remedies for breach of contract.
- (D) Receive and analyze all self-monitoring reports and notices submitted by industrial users.

agreement shall become final and effective if the Public Works Director determines that no significant alteration occurred. The Public Works Director shall repeat the public notice process described in this paragraph for a modified settlement agreement that has been significantly altered.

- (H) Comply with the public participation requirements of 40 C.F.R. Part 25 in connection with the Town's enforcement of any categorical standards.
- (I) Both:
  - 1. Determine which actual or threatened discharge to the TCS/POTW will cause interference with the TCS/POTW or may present an imminent or substantial endangerment to the health or welfare of any person and/or to the environment and
  - 2. Correct or mitigate any injury to the environment, the TCS/POTW, or to any other property as a result of any discharge in violation of a categorical standard or pretreatment requirement imposed by this Chapter.
- (J) Annually publish in the official newspaper designated by the Town public notice of all industrial users who at least once during the preceding twelve (12) month period were in significant noncompliance with any categorical standard or pretreatment requirement imposed by this Chapter. The notification also shall summarize any enforcement actions taken against such users during the same twelve- (12) month period.
- (K) Notify industrial users of applicable categorical standards and any applicable requirements under C.W.A. §§204(b) and 405 and Subtitles C and D of the Resource Conservation and Recovery Act.
- (L) Keep on file one (1) copy of all federal statutes and regulations cited by this Chapter in order to allow required users adequate opportunity to be informed of the applicable federal requirements herein incorporated by reference.
- (M) Evaluate at least once every two (2) years whether each significant industrial user needs a plan to control slug loads. The results of such activities shall be available to the approval authority upon request. If the Public Works Director decides that a slug control plan is needed, the plan shall contain all of the following elements:

3. The Public Works Director may discontinue sewer service to the premises, and such service shall not be restored until such violations have been discontinued or eliminated and all outstanding charges paid.
  - (a) Before discontinuing water and/or sewer service as provided herein, the Public Works Director shall give written notice to the person of the discontinuance and an opportunity to appear before the Public Works Director on any disputed matter relative to the discontinuance of sewer service.
  - (b) However, the Public Works Director may abate any actual or threatened discharge which would violate any categorical standard or pretreatment requirement imposed by this Chapter by promptly plugging or disconnecting the sewer service.
  - (c) The discontinuance of sewer service shall be accomplished by physically cutting and blocking the building connection. A charge of seven hundred fifty dollars (\$750.00) shall be paid to the Public Works Department for reconnecting the sewer service.
- (B) Upon notice of a final determination by the Public Works Director of an assessment owing or order to correct a violation under this Chapter, the responsible party shall tender the fee assessed and correct the violation within ten (10) days of the date ordered. In the event the violation is not corrected or the assessment is not tendered, it is hereby declared to be, and is, a public nuisance which may be abated by injunctive relief in the Superior Court or by other order of a court of competent jurisdiction. Such action shall be in addition to any other remedy authorized by this Chapter.

#### **16-4-29: VIOLATIONS; ADMINISTRATIVE PENALTIES:**

- (A) Any person who violates any provision of this Chapter or any order enforcing the provisions of this Chapter may be assessed an administrative penalty by the Town Manager in an amount not to exceed twenty-five thousand dollars (\$25,000) for each violation. Each day that a violation continues shall constitute a separate violation.
- (B) In determining the amount of an administrative penalty, the Town Manager shall consider all of the following:
  1. The seriousness of the violation;
  2. The economic benefit, if any, resulting from the violation;