

**ORDINANCE NO. 2021-10**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING FLAGSTAFF CITY CODE TITLE 7, HEALTH AND SANITATION, CHAPTER 7-02, WASTEWATER REGULATIONS BY AMENDING 7-02-001-0002 DEFINITIONS; 7-02-001-0007 PROHIBITED SUBSTANCES; 7-02-001-0008 STANDARDS FOR DISCHARGE; 7-02-001-0010 INDUSTRIAL SELF-MONITORING; 7-02-001-0011 REPORTING REQUIREMENTS; 7-02-001-0016 INSPECTIONS AND MONITORING; 7-02-001-0018 PUBLIC NOTIFICATION, DEFINITION OF SIGNIFICANT VIOLATION; 7-02-001-0049 PERMITS REQUIRED FOR INDUSTRIAL USERS; 7-02-001-0050 INDUSTRIAL USER PERMITS; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE**

**RECITALS:**

WHEREAS, the City of Flagstaff maintains and operated water reclamation plants; and

WHEREAS, it is important to keep the operations of Flagstaff's water reclamation plants in good working order and condition; and

WHEREAS, limitations of the types of waste that can be discharged into the Flagstaff's water reclamation plants already exist; and

WHEREAS, from time to time it becomes necessary and prudent to make amendments to the limitations of types of waste, and permitting of waste that can be discharged in the Flagstaff's water reclamation plants; and

WHEREAS, these amendments to multiple portions of Chapter 7-02 of the Flagstaff City Code Section regulating local limits for significant industrial users of the Flagstaff water reclamation system are now deemed necessary and prudent to protect the good working order and condition of the Flagstaff water reclamation plants.

**ENACTMENTS:**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:**

SECTION 1. That the language in strike-through type below be deleted, and the language in all-caps type below be added as amendments to the specific sections of the Chapter 7-02 of the Flagstaff City Code as identified below:

**7-02-001-0002 DEFINITIONS**

The general definitions found in Section 7-01 (Water Services) shall apply to this chapter. In addition, for the purposes of this chapter, the following words and terms shall have the following meanings, unless the context indicates otherwise:

DAILY COMPOSITE SAMPLE: A sample of effluent, discharge or other source of pollutants continuously collected, manually or automatically, over a normal operating day. Samples ~~should~~ SHALL be collected over **A TWENTY-FOUR (24) HOUR PERIOD OR** at least an eight (8) hour period during production, ~~but preferably over a twenty-four (24) hour period,~~ with one (1) sample being drawn at least once every two (2) hours. Composites should be flow proportional wherever feasible. ~~Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.~~

#### **7-02-001-0007 PROHIBITED SUBSTANCES**

B. The following are prohibited from the City wastewater collection system:

5. Any substance that can cause corrosive damage to the POTW or collection system and any substance with a pH of less than 6.0~~5~~ standard units (s.u.) or greater than 11.0. s.u.
6. Any liquid or vapor which causes the temperature entering the POTW to exceed one hundred four degrees (104°) Fahrenheit (40° C) or any liquid or vapor with a temperature greater than one hundred sixty degrees (160°) Fahrenheit (71° C).
7. Any toxic or radioactive substance in sufficient quantity to interfere with the POTW or collection system or to create a health or environmental hazard.
8. Any substance requiring unusual attention or expense of the City unless specifically authorized. Compensatory payments be determined by the City to be paid by the user who contributes any such authorized substance.
9. Any noxious or malodorous liquid, gas or solid which creates a public nuisance, health or environmental hazard, or inhibits entry into any part of the wastewater system for maintenance or monitoring.
10. Any water with a volume greater than twenty (20) GPM containing dyes, inks or other color-causing substances that change the typical color in the wastewater collection system.
11. Any substance causing a hazard to health or to the environment.
12. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that cause interference or pass-through.
13. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- 14. UNLESS OTHERWISE APPROVED BY THE WATER SERVICES DIRECTOR, ANY STORMWATER, SURFACE WATER, GROUNDWATER, ROOF RUNOFF, SURFACE DRAINAGE, OR UNPOLLUTED PROCESS WATERS THAT MAY CONSTITUTE INFLOW AS DEFINED HEREIN.**
- ~~15.~~ Any combination of substances contributed by one (1) or more users which results in any of the above situations.
- ~~16.~~ The following pesticides are expressly prohibited from discharge into the City sewer system: 4,4'-DDD; 4,4'-DDE; 4,4'-DDT; **ALDRIN**, and Heptachlor.

**7-02-001-0008 STANDARDS FOR DISCHARGE**

B. The following specific limits shall apply to all industrial user discharges and may be modified, with prior notice to the industrial user and an opportunity to respond, to comply with applicable State and/or Federal regulations.

<b>Parameter Maximum</b>	<b>(mg/L)</b>
<b>Inorganics</b>	
Lead	0.0841
Copper	0.2015
Zinc	1.403.0
Mercury	0.017 <del>BMP (interim)</del>
Cyanide (total)	0.24
Arsenic	0.1831
<del>Silver</del>	<del>0.30</del>
Selenium	0.015
Sulfides	5.04.5
HEM [a]	(152 mg/L) *(Qmax)= lb/day load (interim)
<b>Volatile Organic Compounds</b>	
<del>Methylene Chloride</del>	<del>4.1</del>
Toluene	0.14
<del>Benzene</del>	<del>0.102</del>
Total Trihalomethanes	0.32 alert
<del>Bromodichloromethane</del>	<del>0.08 alert</del>
<del>Bromoform</del>	<del>0.08 alert</del>
<del>Chloroform</del>	<del>0.08 alert</del>
<del>Dibromochloromethane</del>	<del>0.08 alert</del>
Bromide	0.505
<b><del>Semivolatile Organic Compounds</del></b>	
<del>Bis(2-ethylhexyl) phthalate (BEHP)</del>	<del>Best management practices (BMP)</del>
<b><del>Pesticides</del></b>	
<del>Aldrin</del>	<del>Prohibited</del>
<b>Conventional Pollutants</b>	
BOD	1,000 mg/L (surcharges if >400 mg/L)
TSS	1,200 mg/L (surcharges if >450 mg/L)
<del>Total Nitrogen</del>	<del>173 mg/L</del>
pH	6.05 < pH ≤ 11.0

Parameter Maximum	(mg/L)
AMMONIA	173
TOTAL KJELDAHL NITROGEN (TKN)	173
NITRATE/NITRITE	10

\* LBS/DAY = POLLUTANT CONCENTRATION IN MG/L X 8.34 (POUNDS/GALLON) X FLOW IN MILLION GALLONS PER PERIOD

C. The City may set limits based on mass measurements of pollutants for a particular substance or a particular user if it is necessary for adequate regulation. Discharge limits be set in order to meet any limits set for sludge disposal.

D. Industrial users meet the requirements of the U.S. Code of Federal Regulations, 40 CFR 403 and the amendments thereof. No discharge may exceed any Federal categorical standard or cause the POTW to exceed its AZPDES OR APP Permit. The City may request approval to modify a Federal categorical standard, according to 40 CFR 403.

E. Dilution may not be used to meet a standard or limit unless it is expressly authorized by the categorical standard set by the EPA or by the City.

F. Bypass Prohibition.

1. Notice of Bypass to Occur.

a. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the ~~Utilities~~ WATER SERVICES Director, if possible, at least ten (10) days before the date of the bypass.

b. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the Water Services Director within twenty-four (24) hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial 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.

2. Prohibition of Bypass. Bypass is prohibited, and the Water Services Division may take enforcement action against an industrial user for a bypass unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass;

c. The user submitted notices as required above.

G. O&M Requirements.

1. Industrial users required to install suitable pretreatment facilities to treat waste streams which do not meet City discharge limits shall provide necessary maintenance on such equipment to ensure their continued and efficient operation. ~~Such facilities shall be attended by a person who has obtained certification as a wastewater operator by ADEQ at a level appropriate for the facilities being tended.~~

#### 7-02-001-0010 INDUSTRIAL SELF-MONITORING

A. Significant industrial users, at the user's expense, must provide safe and convenient access for sampling by the City. A City approved manhole must be provided from which a sample that is representative of the total discharge can be taken. There must be unobstructed access to the open flow in the manhole so that a grab sample can be taken and so that sampling equipment can be set up in the manhole.

B. Sampling and analysis must be performed by significant industrial users, at their own expense, at least twice each year, in two (2) separate quarters, ~~(April – June and October – December)~~ JANUARY – MARCH AND JULY - SEPTEMBER, and results of such sampling submitted to the City before the last day of each respective quarter or as directed by the City. ~~The City may perform such sampling for the significant industrial user if they so choose.~~

C. ~~IF A TEST RESULT IS NOT WITHIN THE LIMITS OF THIS CHAPTER OR THE CATEGORICAL STANDARDS FROM ANY SEMIANNUAL SAMPLING, COMPLETED BY THE PERMITTED INDUSTRIAL USER, THE INDUSTRIAL USER SHALL IMMEDIATELY NOTIFY THE CITY WITHIN 24 HOURS OF BECOMING AWARE OF THE VIOLATION (I.E. ISSUANCE OF FINAL LAB REPORT) If any sample that is taken by the industrial user or the City is not within the limits of this chapter or the categorical standards, then~~ The industrial user, or the City if they so choose, shall repeat the sampling within thirty (30) days of becoming aware of the violation, or more often if it is determined to be necessary by the City.

~~DC. A minimum of four (4) grab samples, pulled at least every two (2) hours, GRAB SAMPLES~~ must be used when sampling for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. ~~For all other pollutants,~~

E. ~~Twenty-four (24) hour composite samples must be obtained through flow-proportional composite sampling techniques, where feasible. The City may waive flow-proportional composite sampling for any industrial user that demonstrates that flow proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. Sampling must be performed for five (5) consecutive days and be representative of the effluent being discharged on a typical production day or as directed by the City.~~

~~FD.~~ The flow must be measured by the industrial user at the time that the sample is taken, according to 40 CFR 403.12.

~~GE.~~ The methods of sampling must be performed in accordance with 40 CFR 136 and any other applicable Federal, State, or local requirements. ~~and~~ The sampling location and type **MUST BE** approved by the City. An authorized representative of the industry (see Section 7-02-001-0012) shall sign and submit with these sample results, a statement verifying the validity of the methods and location.

~~HF.~~ All records of sampling, analysis and flows must be kept by the industrial user and the City for at least three (3) years. All records must be available to the City **UPON REQUEST**.

#### **7-02-001-0011 REPORTING REQUIREMENTS**

D. The significant industrial user shall report to the City **immediately PRIOR TO** any significant changes in production, including, but not limited to, production rate, product, raw materials utilized, rate of discharge, concentration of pollutants being discharged, etc.

E. If in the course of self-monitoring, a categorical **OR SIGNIFICANT** industrial user becomes aware of a violation of ~~their~~**THE** ~~categorical~~ limits **SET FORTH IN THEIR DISCHARGE PERMIT**, they shall notify the City within twenty-four (24) hours of becoming aware of such.

~~F.—If an industrial user subject to reporting requirements of this section monitors any pollutant more frequently than required by the City, using the procedures prescribed in Section 7-02-001-0010, the results of this monitoring shall be submitted to the City also.~~

#### **7-02-001-0016 INSPECTIONS AND MONITORING**

A. Any authorized employee of the Water Services Division shall, upon presentation of **his THEIR** credentials, have ~~free~~ access **at all reasonable hours** to any commercial or industrial premises connected to or disposing of any type waste to the City wastewater system for the purpose of surveillance and/or an inspection of the premises to determine the nature and quantity of wastes discharged to the City wastewater system, or for examining or copying records, required by 40 CFR 403.12(m). The **COMMERCIAL**/industrial user must make ~~freely~~ available to the City any and all records which would enable them to make an accurate determination of the constituents and flow of the user's waste stream.

B. ~~Servicemen, industrial pretreatment inspectors, sanitary engineers, or other designated representatives~~**AUTHORIZED EMPLOYEE** of the Division, whose duty it may be to enter upon commercial or industrial premises to make inspections and collect samples or measure the quantity of wastes discharged to the City sewer, shall be provided with credentials to identify them as authorized representatives for the Division.

C. No person, except an authorized employee of the Division, shall have or exhibit any credentials of that Division. It shall be the responsibility of each employee or authorized representative of the Division, upon resignation or dismissal, to deliver and surrender at the office of the Water Services Director all credentials of the Division in his/her possession.

D. Questionnaires will be provided to all new businesses entering the City of Flagstaff to gather information pertaining to waste that may be generated by such. If any waste other than domestic is discharged from such an establishment, the City may perform an inspection of such premises at least annually or more often as necessary to determine its status of compliance with this chapter.

E. The City of Flagstaff or its designated representative shall have the authority to randomly sample industrial user waste streams and analyze for any pollutants that would be anticipated to be present for that particular user utilizing EPA approved methods. The City will review and analyze self-monitoring reports submitted by industrial users and make notification to such user of any compliance action to be taken as a result of such.

F. The information from the City's inspection and monitoring activity will be available to the administrative authority of the State and/or EPA. This information will also be made available to the general public upon request with the exception of that information protected by Section 7-02-001-0013. The City will maintain these records for a minimum of three (3) years.

~~G. The industrial user shall be financially responsible for any sampling and analysis performed by the City which is not routine as provided for in this chapter.~~

#### **7-02-001-0018 PUBLIC NOTIFICATION, DEFINITION OF SIGNIFICANT VIOLATION**

A. The City shall give notice of any decisions being made about the pretreatment program which may interest the public, special interest groups, or government agencies. Information about the operation or requirements of the program will be given to any party which requests it. ~~THE WATER COMMISSION An advisory committee~~ may be used for public information and input if there is an interest expressed in this.

#### **7-02-001-0049 PERMITS REQUIRED FOR INDUSTRIAL USERS**

All significant industrial users, as defined by Section 7-02-001-0009(A)(1), shall obtain a permit for connection and discharge ~~OR ANY MODIFICATION THAT CHANGES THE TREATMENT, PRODUCTION, FLOW, ETC. OF THE EXISTING FACILITY.~~ to the City's sewer system from the Director.

#### **7-02-001-0050 INDUSTRIAL USER PERMITS**

M. The City may change the conditions of any permit ~~from time to time as may be necessary~~ in order to comply with requirements of Federal or State regulations. ~~AN INDUSTRIAL USER MAY PETITION THE DIRECTOR TO MODIFY THEIR PERMIT FOR MONITORING PARAMETERS OR PROCESS CHANGES. THE USER MUST SUBMIT SAMPLING REPORTS AND/OR DOCUMENTATION TO SUPPORT THEIR PETITION.~~

#### **SECTION 4. Repeal of Conflicting Ordinances**

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.

#### **SECTION 5. Severability**

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference 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 thereof.

#### **SECTION 6. Clerical Corrections**

The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Flagstaff City Code.

SECTION 7. Effective Date

This Ordinance shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 20th day of April, 2021.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY