

MESA CITY CODE

TITLE 8 - HEALTH, SANITATION AND ENVIRONMENT

CHAPTER 4 - SANITARY SEWER REGULATIONS

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- 8-4-1: DEFINITIONS:

ACT OR THE ACT: Federal Water Pollution Control Act, as amended, 33 U.S.C. §§ 1251 *et seq.*

APPROVAL AUTHORITY: The Arizona Department of Environmental Quality or Administrator for Region IX of the EPA.

APPROVED LABORATORY PROCEDURES: The measurements, tests and analyses of the characteristics of water and sewage in accordance with analytical procedures as established in Title 40, CFR, Part 136, as revised, that are performed by an environmental laboratory licensee by the state pursuant to A.R.S. §§ 36-495, *et seq.* Alternative procedures may be approved by the Water Resources Director or designee in accordance with

applicable federal regulations.

AUTHORIZED REPRESENTATIVE OF AN INDUSTRIAL USER MEANS:

- (a) If the user is a corporation:
 - (1) The president, secretary, treasurer, or 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 operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for wastewater discharge permit requirements; and where 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 his/her designee.
- (d) The individuals described in subsections (a) through (c) above may designate another authorized representative if the authorization is made in writing, the authorization specifies the individual or a position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company or facility, and the written authorization is submitted to the City.

AVAILABLE: A public sewer line is located within six hundred sixty (660) feet of a property's boundary line, has sufficient capacity for the requested connection, an extension of the line can be engineered to meet the city's standards, and the physical circumstances of the right-of-way and the surrounding property will reasonably permit the extension. What is "reasonable" shall be determined in the sole judgment of the City.

AMALGAM SEPARATOR: A device that employs filtration, settlement, centrifugation, or ion exchange to remove dental amalgam and its metal constituents from a dental office vacuum system before it discharges to the sanitary sewer; has been certified under the International Organization for Standardization's standards for amalgam separators is capable of removing a minimum of ninety-five percent of the dental amalgam at flow rates comparable to the flow rate of the actual vacuum suction system in operation; and does not have any automatic flow bypass.

AMALGAM WASTE: Means and includes non-contact dental amalgam (dental amalgam scrap that has not been in contact with the patient); contact dental amalgam (including, but not limited to, extracted teeth containing amalgam); dental amalgam sludge captured by side chair side traps, vacuum pump filters, screens, and other dental amalgam.

BEST MANAGEMENT PRACTICES (BMPs): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 8-4-15 and 40 CFR § 403.5(a)(1) and (b). BMPs are pretreatment requirements and include, but are not limited to, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of, certain established categorical pretreatment standards and effluent limits.

BIOCHEMICAL OXYGEN DEMAND (BOD): 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), expressed as a concentration (e.g. milligrams per liter (mg/L)).

BRANCH SEWER: A sewer which receives wastewater from lateral sewers from a relatively small area.

BUILDING CONNECTION: The connection to the public sewer and the extension therefrom of the sewer to the property line in an alley or street or to the easement line in an easement, whichever is applicable, depending on the location of the public sewer.

BUILDING SEWER: A private conveyance for transporting wastewater from a person's premises to a private sewer or the POTW. The building sewer includes the tap.

BYPASS: The intentional diversion of wastewater from any portion of a pretreatment process.

CATEGORICAL STANDARDS: National/federal categorical pretreatment standards promulgated by the EPA under the authority of CWA § 307(b) and (c) which apply to a specific category of industry and which are published in 40 CFR Chapter I, Subchapter N (Parts 401 *et seq.*) issued in accordance with § 307 of the CWA.

CHEMICAL OXYGEN DEMAND (COD): A measure of the oxygen required to oxidize all compounds, both organic and inorganic in water, expressed in terms of weight and concentration (mg/l).

CITY: City of Mesa, Arizona.

CITY MANAGER: The City Manager pursuant to Section 1-20-2 of the Mesa City Code or authorized deputy, agent, or representative.

CODE OF FEDERAL REGULATIONS (CFR): Compilation of federal regulations promulgated under the CWA and incorporated herein by reference.

COOLING WATER: Any discharge from any heat transfer system such as condensation, air conditioning, cooling or refrigeration into the sewer system.

COMPOSITE SAMPLE: A combination of individual samples obtained at regular intervals over a specified time period, with the volume of each individual sample either proportional to the flow rate during the sample period (flow composite) or constant and collected at equal time intervals during the composite period (time composite) as defined in the Industrial Wastewater Discharge Permit.

CLEAN WATER ACT (CWA): Federal Water Pollution Control Act, as amended, 33 U.S.C. §§ 1251 *et seq.*, incorporated herein by reference.

DAILY MAXIMUM LIMIT: The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that calendar day.

DEVELOPER: Shall include within its meaning the owner/builder and shall be deemed to be the individual, firm, corporation, partnership, association, syndication, trust or other legal entity which is responsible for creating a demand on the city water or sewer facilities.

DEVELOPMENT SERVICES DEPARTMENT: The Department of Development Services of the City of Mesa

created by Section 3-4-1 of the Mesa City Code.

DEVELOPMENT DIRECTOR: The Development Services Director pursuant to Section 3-4-2 of the Mesa City Code or authorized deputy, agent, or representative.

DEPARTMENT: The Water Resources Department of the City of Mesa and its Director or designee.

DILUTION: The addition of some quantity of liquid (e.g. water) that results in a decrease in the original concentration.

DISCHARGE: The disposal of wastewater into the POTW.

DOMESTIC WASTEWATER OR SANITARY WASTEWATER: Liquid wastes containing sewage and similar matter from the sanitary facilities of residences, commercial buildings, and industrial facilities.

EFFLUENT: Wastewater that has been treated in a POTW.

EFFLUENT LIMITATION: A limitation imposed on discharges to the POTW.

ENFORCEMENT RESPONSE PLAN (ERP): Procedures identifying responses to instances of industrial noncompliance or a plan developed by the City to enforce the pretreatment regulations contained in the Mesa City Code.

ENVIRONMENTAL PROTECTION AGENCY (EPA): The United States Environmental Protection Agency or a duly authorized official of said agency.

EXISTING SOURCE: An industrial user which 1) is in operation at the time of promulgation of categorical pretreatment standards or 2) any source of discharge that is not a new source.

FACILITY: Any land, building, installation, structure, equipment, device, conveyance, area, or source from which there is or, with reasonable probability, may be a discharge.

FATS, OILS, AND GREASE (FOG): Any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other material that is extracted by hexane solvent, as specified in 40 CFR Part 136.

FOOD SERVICE ESTABLISHMENT: Any business activity where articles of food, drink, or condiment are customarily prepared or served to patrons for consumption on or off the premises. This also includes restaurants, bars, cocktail lounges, the dining room of hotels, and all caterers.

FRONTAGE: The entire length of that portion of a parcel of property that abuts a street, easement, or public right-of-way.

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

GREASE INTERCEPTOR OR TRAP: A device used to separate oil, grease, and sand or any flammable wastes from industrial or commercial discharges

HAZARDOUS WASTE: Any discarded material listed as hazardous pursuant to 40 CFR Part 261 or having such characteristics.

INDIRECT DISCHARGE OR DISCHARGE: The introduction of pollutants into the POTW from any non-domestic source.

INDUSTRIAL: Means of or pertaining to industry, manufacturing, commerce, trade, or business, as distinguished from domestic or residential.

INDUSTRIAL DISCHARGE: Any introduction into the 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 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 a POTW from a person other than a POTW user who discharges only domestic wastewater regulated under CWA § 307(b), (c), and (d);
- (B) Any nonresidential 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 WASTE: The liquid waste from an industrial manufacturing process, trade, or business as distinguished from domestic wastewater.

INDUSTRIAL WASTEWATER DISCHARGE PERMIT: A written authorization issued by the City Manager or Water Resources Department 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 City.

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

INSTANTANEOUS LIMIT: The maximum concentration of a pollutant allowed to be discharged at any time and determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

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

- (A) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and
- (B) Violates any requirement of any environmentally related permit issued by a governmental entity (including an increase in the magnitude or duration of a violation) or prevents sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): CWA § 405, the Solid Waste Disposal Act (SWDA) (Including Title II, more commonly referred to as the Resource Conservation and Recovery Act; and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.

LATERAL SEWER: A sewer which discharges into a branch or other sewer and has no common sewer tributary to it.

LOCAL LIMIT: A specific discharge limitation developed and enforced by the city upon users to implement the general and specific discharge prohibitions listed in 40 CFR § 403.5(a)(1) and (b). Local limits are pretreatment standards.

MAIN SEWER: A sewer which receives wastewater from one (1) or more branch sewers as tributaries.

MAINTENANCE: Keeping the POTW in a state of repair, including expenditures necessary to maintain the capacity for which such works were designed and constructed.

MEDICAL WASTE: Any solid waste as defined in A.R.S. § 49-701, including isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

MONTHLY AVERAGE: The sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

MULTI-FAMILY RESIDENTIAL: More than one (1) dwelling unit is serviced by a single sewer tap and is connected to the sewer system.

NATURAL OUTLET: Any outlet into a watercourse, ditch, or other body of surface or ground water.

NEW SOURCE: 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 CWA § 307(c), which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, and as further set forth in 40 CFR § 403.3(m).

NON-COMPLIANT: Failing to satisfy the requirements of this chapter.

NONHAZARDOUS LIQUID WASTE (NHLW): Waste hauled from residential septic systems, restaurant grease traps/interceptor or chemical toilets.

NON-SIGNIFICANT INDUSTRIAL USER: Any person or entity which does not meet the definition of a significant industrial user, but is otherwise required by the City through permit, order, or notice to comply with specific provisions of this Code.

NPDES PERMIT: A National Pollutant Discharge Elimination System (NPDES) Permit issued to the City by the EPA or an Arizona Pollutant Discharge Elimination System Permit (AZPDES), issued to the City by the State of Arizona, which imposes standards governing the quality of the treated effluent discharged from the POTW into a navigable water of the United States.

OIL AND GREASE: A measure of the total oil and grease content of a sample as determined by approved EPA methods or any other equivalent method as approved by the Water Resources Director or designee.

OIL AND GREASE (TPH): A measure of the petroleum and mineral oil in total petroleum hydrocarbons of a sample as determined by approved EPA methods or other equivalent test method as approved by the Water Resources Director or designee.

PARAMETER: A fundamental characteristic of wastewater around which treatment is designed, such as flow, BOD, SS, and phosphorus.

PASS-THROUGH: A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge from other sources, is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation) or which causes or contributes to a violation of an applicable numeric or narrative water quality standard.

PENALTY POLICY: The policy established by the Water Resources Department to determine and calculate penalties for violations of the pretreatment requirements established in this Code and the Enforcement Response Plan.

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 POTW.

PERSON: Any individual, partnership, co-partnership, 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: A measure of the acidity or alkalinity of a solution expressed in standard units.

POLLUTANT: Any dredged spoil, solid waste, incinerator residue, backwash, garbage, explosives, toxic substance, wastewater sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, untreatable waste and industrial, municipal, and agricultural wastes. This includes any substance for which an effluent limitation is identified in this Code.

PUBLICLY OWNED TREATMENT WORKS (POTW): A treatment works as defined by Section 212 of the Act which is owned by the City or another municipality and 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.

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 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 discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or other means, except that dilution shall not constitute treatment or pretreatment unless allowed by an applicable pretreatment standard.

PRETREATMENT REQUIREMENT: Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on an industrial user and shall include BMPs related to pretreatment imposed on a user as may have been established pursuant to the laws or regulations of the United States, the State of Arizona, or the City, and conditions of a wastewater discharge permit.

PRETREATMENT STANDARD: The prohibited discharge standards, categorical pretreatment standards, and local limits established pursuant to the laws or regulations of the United States, the State of Arizona, or the City.

PRIVATE SEPTIC TANK SYSTEM: A septic tank or other system that is maintained by the property owner.

PRIVATE SEWER: Any wastewater collection system other than a POTW.

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.

PROHIBITED DISCHARGE STANDARDS: Absolute prohibitions against the discharge of certain substances as set forth in section 8-4-15.

PUBLIC SEWER: A lateral, branch, main, or trunk sewer controlled and maintained by the City.

REPLACEMENT: Those expenditures made for obtaining and installing equipment, accessories, and/or appurtenances during the useful life of the POTW which are necessary to maintain the capacity and performance of the POTW for which they were designed and constructed.

REPRESENTATIVE SAMPLE: A composite sample obtained by flow proportional sampling techniques. If the Water Resources Department determines that flow proportional sampling is not feasible, the sampling by time proportional composite or composites of grab samples will be allowed according to EPA requirements.

REVENUE: In general, additions to cash or other current assets that do not increase any liability of reserve, nor represent the recovery of an expenditure.

RIGHT-OF-WAY: Land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to the general public for street, highway, alley, public utility, or pedestrian walkway purposes.

SANITARY SEWER: A sewer which carries wastewater and to which storm water, surface water, and groundwater are not intentionally admitted.

SEWER: A pipe or conduit for carrying wastewater.

SIGNIFICANT INDUSTRIAL USER (SIU):

- (a) All users subject to categorical pretreatment standards.
- (b) All users that:
 - (1) Discharge an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
 - (2) Contribute a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
 - (3) Are designated as such by the department on the basis that they have a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (c) The City may determine that an industrial user subject to categorical pretreatment standards is a non-significant industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
 - (1) The industrial user, prior to the city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - (2) The industrial user annually submits the certification requirement required in 40 CFR § 403.12(q), together with any additional information necessary to support the certification statement; and

- (3) The industrial user never discharges any untreated concentrated wastewater.
- (d) Upon a finding that a user meeting the criteria in subsection (b) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR § 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SIGNIFICANT NON-COMPLIANCE (SNC):

A significant industrial user in violation of one or more of the following criteria or any other industrial user in violation of subparagraphs (c), (d), or (h):

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR § 403.3(l);
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR § 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a pretreatment standard or requirement as defined by 40 CFR § 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety days (90) after the schedule date, a compliance schedule milestone contained in a permit, local control mechanism, or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance;
- (h) Any other violation or group of violations, which may include a violation of BMPs, which the division determines will adversely affect the operation or implementation of the local pretreatment program.

SLUG LOAD: Slug load or slug discharge means any discharge at a flow rate or concentration which could become a violation of the prohibited discharge standards in this chapter. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate this chapter, local limits, or POTW's permit conditions.

SUSPENDED SOLIDS (SS): Solids measured in milligrams per liter that either float on the surface of or are in suspension in wastewater or other liquids and which are largely removable by a laboratory filtration device as defined in the most current edition of "Standard Methods for the Examination of Water and Wastewater"

published by the American Health Association or the most current edition of "Manual of Methods for Chemical Analysis of Water and Wastes" published by the EPA.

STANDARD INDUSTRIAL CLASSIFICATION (SIC): A classification pursuant to the "Standard Industrial Classification Manual" issued by the Executive Office of the President-Office of Management and Budget, as it may be revised from time to time.

STORM SEWER: A sewer which carries storm and surface waters and drainage but does not include wastewater containing pollutants.

STORMWATER: Stormwater runoff, snow melt runoff, and surface runoff and drainage.

TOTAL SUSPENDED SOLIDS (TSS): The total suspended matter that floats on the surface of or is suspended in water, wastewater, or other liquid and that is removable by filtration.

TRUNK SEWER: A sewer which receives wastewater from many tributary main sewers and serves as an outlet for a large territory.

UPSET: An exceptional incident in which there is unintentional and temporary noncompliance with a technology-based permit effluent limitation because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.

USER CHARGE: A portion of the sewer fee levied by the City which shall be sufficient to fund the estimated annual operation and maintenance (including replacement) cost of the POTW.

USER CLASS: Any grouping as determined by the City Manager or Water Resources Director of POTW users, including Class I, II, and III industrial users.

WATER RESOURCES DEPARTMENT: The Water Resources Department of the City of Mesa, created by Section 3-3-1 of the Mesa City Code.

WATER RESOURCES DIRECTOR: The Water Resources Director pursuant to Section 3-3-2 of the Mesa City Code or authorized deputy, agent, or representative.

WASTEWATER: Treated or untreated liquid or water-carried non-domestic industrial wastes and/or sewage from residential dwellings or commercial, industrial or manufacturing facilities.

WASTEWATER RECLAMATION TREATMENT PLANT OR TREATMENT WORKS: That portion of the POTW which is designed to provide treatment of sewage and wastewater.

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently.

8-4-2: 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 City or in any area under the jurisdiction of the City any wastewater or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this Chapter.

8-4-3: DISPOSAL OF POLLUTANTS

(A) It shall be unlawful for any trucked or hauled pollutant to be discharged into the POTW unless previously

approved by the City Manager.

- (B) It shall be unlawful to dispose of any pollutant by means other than those authorized by applicable federal, state, and local requirements.

8-4-4: 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 City for the purpose of connecting to the POTW without first obtaining a permit from the City Engineer;
- (B) Having a permit, dig up any portion of any street or alley of the City for the purpose of connecting to the POTW 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 POTW.

8-4-5: PRIVATE WASTEWATER SYSTEMS

- (A) Except as provided in this Chapter, it shall be unlawful to construct or maintain within the City any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- (B) Where a public sanitary sewer is not available within the City or in any area under the jurisdiction of the City, 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 the Sanitary Code of Maricopa County. Such private wastewater disposal system shall be constructed, maintained, and operated at all times in a sanitary manner.

8-4-6: SANITARY SEWERS OUTSIDE CITY

Any POTW user located outside of the City limits who discharges wastewater into a sanitary sewer owned or operated by the City shall be bound by the requirements of this Chapter.

8-4-7: SANITARY SEWERS; DESIGN, CONSTRUCTION, AND INSPECTION

- (A) The City shall have the authority to approve the design, issue permits, and conduct inspections of sewer facilities that are to be connected to the City's existing sanitary sewer system.
- (B) The design and construction of all sanitary sewers under the jurisdiction of the City must conform to the standard sewer design and construction specifications as identified in the Maricopa Association of Governments Specifications, Mesa Standard Details, and the Arizona Department of Environmental Quality Bulletin No. 11.
- (C) All sewers to be attached directly or indirectly to the POTW shall be inspected by personnel of the City during construction. The City shall be notified at least forty-eight (48) hours prior to cutting into the POTW. In making a connection to the POTW, no physical alteration shall commence until an inspector is present. No wastewater shall be discharged into the POTW prior to obtaining City approval of sewer construction.
- (D) Following satisfactory completion of construction, the City will issue a construction inspection certificate upon request.

8-4-8: BUILDING CONNECTIONS; PERMIT, APPROVAL, RECORDS, AND RESPONSIBILITY

- (A) No authorized person shall make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Development Services Department.
- (B) Each person making application for a building connection shall obtain a valid plumbing permit from the City as a prerequisite for the approval of the required building connection. All applications for building connections to be constructed by the Development Services Department shall be accompanied by the current fee for such work.
- (C) The number, location, manner of connection, and size of all building connections shall be subject to the approval of the Development Services Manager.
- (D) The Development Services Department shall keep a record of all building 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, except as provided in Subsection (F) of this Section.
- (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 Water Resources Department shall make the repair or replacement.

8-4-9: OWNERSHIP OF PUBLIC SEWER LINES AND OTHER EQUIPMENT MAINTAINED BY THE WATER RESOURCES 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 Water Resources Department shall be vested in the City, and in no case shall the owner of any premises have the right to claim any part except where otherwise provided in this Code.

8-4-10: 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 treatment works, 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 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 BOD and SS, of the wastewater discharged.
- (B) Charges for monthly sewer service and use shall be imposed as follows:
 - 1. Until February 26, 2003, those residential customers not connected to the POTW but with an active utility account and a usable City 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, subject to the refund provisions of paragraph (B)5 hereof.
 - 2. A "usable City sewer main" is defined for purposes of paragraph (B)1 as one that is adjacent to the parcel and which has a service line extended to the property line of the parcel.
 - 3. In situations where a monthly charge is imposed but the person is not connected to the public sewer, a credit

shall be given toward the payment of the sewer development fee when a connection is made. Such credit will be in the sum of the payments previously paid for monthly sewer services, but in no case shall it exceed the amount of the sewer development fee in effect at the time connection to the public sewer is made.

4. After February 26, 2003, monthly charges for sewer service and use shall only be imposed on a parcel at such time as that parcel is connected to the public sewer.
5. A person shall be entitled to a refund of the monthly charges for sewer service paid during the period of time beginning March 1, 2000 and ending February 26, 2003, without interest if:
 - (a) The person had an active utility account and a usable City sewer main adjoining the premises;
 - (b) The person paid a monthly charge for sewer, but was not connected to the public sewer; and
 - (c) Such charges have not been credited against a sewer development fee as allowable under paragraph (B)1 hereof.

The refund shall in no case exceed the actual amount paid by the person submitting the application for refund. In order to be eligible to receive such refund, the person who paid such charges shall be required to submit an application for such refund to the Water Resources Department within one (1) year after February 26, 2003.

- (C) Although the City strongly encourages that persons should connect to the public sewer system when it becomes available to them, persons with existing septic tanks may continue to use them as long as they function in a manner which does not violate Maricopa County health standards. However, at such time as Maricopa County determines that the septic tanks violate the standards, the person shall connect to the public sewer system.
- (D) Upon appeal and presentation of satisfactory evidence by any customer, an adjustment of the established sewer rate schedules may be granted provided that such adjustment is proportional among POTW users or user classes and includes, at a minimum, a user charge component.
- (E) Excessive revenues collected from a POTW user or user class through the user charge shall be applied to that POTW user or user class when the user charge portion of the sewer fee is established.

8-4-11: USER CHARGE FORMULA:

In calculating a POTW user or user class sewer fee, the following formula shall be used to determine the user charge portion of the total sewer fee:

USER CHARGE FORMULA: $\text{Flow mg} \times \text{flow rate} + \text{BOD (mg/l)} \times 8.34 \times \text{flow mg} \times \text{BOD rate} - 1000 + \text{SS (mg/l)} \times 8.34 \times \text{flow mg} \times \text{SS rate} - 1000 + \text{fixed charges}.$

WHERE:

FLOW MG = The total volume of flow for the year in millions of gallons.

FLOW RATE = O & M (FLOW) divided by flow mg.

BOD RATE = O & M (BOD) divided by BOD 1000 lbs.

SS RATE = O & M (SS) divided by SS 1000 lbs.

FIXED CHARGES = O & M (FIXED) divided by the number of customers.

O & M (FLOW) = The operating and maintenance cost of treating the flow portion of wastewater.

O & M (BOD) = The operating and maintenance cost of treating the BOD portion of wastewater.

O & M (SS) = The operating and maintenance cost of treating the SS portion of wastewater.

O & M (FIXED) = The operating and maintenance cost of processing sewer bills.

BOD 1000 LBS. = The total amount of BOD in thousands of pounds.

SS 1000 LBS. = The total amount of SS in thousands of pounds.

NUMBER OF CUSTOMERS = The total number of sewer customers being billed.

BOD (MG/L) = The concentration of biochemical oxygen demand in milligrams per liter of wastewater.

SS (MG/L) = The concentration of SS in milligrams per liter of wastewater.

8-4-12: BILLING FOR USER CHARGE

Each POTW user shall be notified on an annual basis, in conjunction with their regular monthly bill, of the portion of their monthly bill that is attributable to the user charge. Such notice shall state that the revenues derived by the user charge are to be used exclusively for the operation and maintenance (including replacement) of the POTW.

8-4-13: DISTRIBUTION OF WASTEWATER SYSTEM REVENUES AND UTILIZATION OF FUNDS

Revenues attributable to user charges shall be allocated to the Sewer Use Accounts of the Sewer Enterprise Account of the City of Mesa Utility Fund. Such revenues shall be restricted to paying the expenses incurred in the operation and maintenance (including replacement) of the POTW. Additional revenues derived by the charge for sewer service and use shall be allocated to the Sewer Service Account of the Sewer Enterprise Account of the City's Utility Fund. The Sewer Service Account revenues may be used for any one (1) or more of the following activities:

- (A) The expansion or improvement of the sanitary and storm sewer systems operated by the City;
- (B) Servicing the debt or retiring sanitary and storm sewer bonds; and
- (C) Providing for other pertinent costs as determined by the City Council.

8-4-14: WASTEWATER TREATMENT BY-PRODUCTS

All revenue from the sale of treatment-related by-products shall be used to offset the cost of operating and maintaining the POTW. User charges shall be proportionally reduced for all POTW users. Total annual revenues received from the sale of a by-product shall be credited to the works treatment operation and maintenance cost no later than the fiscal year immediately following their receipt.

8-4-15: PROHIBITED SUBSTANCES AND DISCHARGE LIMITATIONS

- (A) No person shall discharge or cause to be discharged at any entry point into the public sewer system any of the following:

1. Wastewater which could cause interference or pass-through with POTW operations.

2. Unless otherwise approved by the City Manager or Water Resources Director or Water, storm water, surface water, groundwater, roof runoff, subsurface drainage, single-pass cooling water, or condensate that may constitute inflow.
3. Pollutants which create a fire or explosion hazard to the system or POTW. In no case shall pollutants be discharged either:
 - (a) With a closed cup flashpoint less than one hundred forty degrees Fahrenheit (140o F) (sixty degrees Centigrade [60° C]); or
 - (b) Which would cause an exceedance of ten percent (10%) of the Lower Explosive Limit (LEL) at any point within the POTW for any single reading or more than five percent (5%) for any two (2) consecutive readings.
4. Solid or viscous pollutants, animal fats, oils and grease, 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 POTW.
5. Any waters containing a toxic, radioactive, poisonous, or other substance in sufficient quantity to injure or interfere with any POTW process, cause corrosive structural damage, constitute a hazard to humans, or create any hazard to the POTW or in the receiving waters of the POTW; or pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute 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 Code R18-8-261, as amended, or 40 CFR Part 261, as amended, whichever is applicable, whether or not the discharge is otherwise subject to hazardous waste regulations. The City Manager or Water Resources Director may allow a discharge of such wastes if, upon written request of the affected person, the City Manager or determines that the discharge would not cause interference or pass-through with POTW operations.
11. Wastewater sampled using the following specified sample type which exceeds the limits for the following parameters, expressed in the total form as micrograms per liter (uG/L):
 - (a) The instantaneous effluent limitation shall be the maximum allowable concentration permitted in a discharge at any time as measured in a grab sample. The instantaneous effluent limitation for the following

parameters shall be:

	Substance	Limitation	Sample Type
(i)	Benzene	35	Grab
(ii)	Chloroform	2,000	Grab

(4330)

b) The following parameters shall have a limit of zero and are therefore prohibited: (2809/Reso. 6567,4330)

(i)	4,4' – DDE
(ii)	4,4' – DDT
(iii)	Aldrin
(iv)	BHC – Alpha
(v)	BHC - Beta
(vi)	BHC – Gamma (Lindane)
(vii)	Heptachlor
(viii)	Heptachlor Epoxide
(ix)	Polychlorinated Biphenyl Compounds

(B) In addition to the requirements contained in Subsection (A) of this Section, all Class I industrial users shall not discharge or cause to be discharged at any entry point into the public sewer system any wastewater which exceeds the daily average effluent limitation specified in paragraph 3 of this Subsection. A Class II industrial user also may be subject to one (1) or more of the daily average effluent limitations if the City Manager or Water Resources 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 City Manager or Water Resources Director determines that flow-proportional composite sampling is not feasible, the City Manager or Water Resources 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 milligrams per liter (MG/L), shall be:

	SUBSTANCE	LIMITATION	SAMPLE TYPE
(a)	Arsenic	0.13	Composite
(b)	Cadmium	0.047	Composite
(c)	Copper	1.5	Composite
(d)	Cyanide	2.0	Grab
(e)	Lead	0.41	Composite
(f)	Mercury	0.0023	Composite
(g)	Selenium	0.10	Composite
(h)	Silver	1.2	Composite
(i)	Zinc	3.5	Composite

- (C) No person shall discharge or cause a discharge into a POTW that violates any limitation or prohibition specified or established by the City Manager or Water Resources Director pursuant to Section 8-4-27(A) of the Mesa City Code.
- (D) All affected individual users or class of users shall comply with any best management practice required by the City Manager or Water Resources Director pursuant to Section 8-4-27(A) of the Mesa City Code.
- (E) Mass limitations may be imposed on industrial users through industrial wastewater discharge permits where not prohibited by categorical pretreatment standards, and which are using flow equalization to meet applicable federal, state, or City pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. Equivalent mass limits may be established only if industrial users satisfy all conditions set forth in 40 CFR § 403.6(c)(5)(i)(A) through (c)(5)(i)(E). In such cases, the wastewater discharge permit will contain the mass allocation for each pollutant, any concentration-based categorical standards, maximum flow allowed, and the appropriate monitoring and reporting requirements. Where mass limits have been established, the reports required by Section 8-4-19 shall also indicate the mass of limited pollutants in the user's wastewater. These reports shall also contain the results of sampling and analysis of the discharge, including production and mass of pollutants contained therein which are limited by the applicable pretreatment standards and requirements.

8-4-16: INDUSTRIAL USERS IDENTIFIED AS CLASS I, II, OR III

- (A) All significant industrial users shall be Class I industrial users under this Chapter.
- (B) A Class II industrial user shall be any industrial user that meets all of the following criteria:
1. Is not a significant industrial user;

2. Is determined in writing by the City Manager or Water Resources Director to be responsible for an industrial discharge which causes or has the reasonable potential to cause harm or damage to the POTW, worker safety, public safety, or the environment; and
3. Has discharges which are any one (1) or more of the following:
 - (a) Greater than the equivalent strength of twenty-five thousand (25,000) gallons per day of domestic waste as measured by BOD and SS
 - (b) Pollutants in groundwater subject to a remedial action plan that has been approved by an appropriate regulatory agency.
 - (c) Any of the substances described in Section 8-4-15 of the Mesa City Code.
 - (d) Either domestic wastewater or no discharge at all, but such industrial user does have significant quantities of pollutants which, if discharged, would be regulated by this Chapter.
- (C) All industrial users that are not Class I or II under Subsections (A) and (B) of this Section shall be identified as Class III industrial users.

8-4-17: GENERAL INDUSTRIAL USER REQUIREMENTS

All Class I, II, and III industrial users shall, unless otherwise noted:

- (A) Comply with the categorical standards, pretreatment requirements, and all other requirements imposed by this Chapter upon POTW users.
- (B) Comply with the orders of the City Manager or Water Resources Director Water Resources designed to implement the categorical standards, pretreatment requirements, best management practices, and all other requirements imposed by this Chapter.
- (C) If a new industrial user, file, prior to the discharge of wastewater to the POTW, a written notice with the City Manager or Water Resources 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 POTW, could constitute an industrial discharge; and
 4. Nature and concentration of all pollutants currently discharged to the POTW from such business locations.
- (D) Assist the City Manager or Water Resources Director in updating the industrial user survey which contains the information requested in Subsection (C) of this Section. The City Manager or Water Resources 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 POTW.
- (F) Assist the City Manager or Water Resources Director to determine the exact nature, concentration, and volume of any pollutant intended for discharge to the 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 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 City Manager or Water Resources Director for monitoring and/or sampling purposes.
 4. Allow the taking and removal of samples from any wastewater discharged or intended for discharge to the POTW.
 5. Provide the City Manager or Water Resources Director with any other information, including chemical analyses of wastewater and architectural or engineering design data, drawings, etc., which is reasonably needed by the City Manager or Water Resources Director for the purpose of determining such user's compliance with the requirements of this Chapter.
- (G) Refrain from any discharges until the City Manager or Water Resources Director determines if the industrial user would cause an industrial discharge. Once this determination is made, the City Manager or Water Resources Director will classify the user as a Class I, II, or III industrial user consistent with Section 8-4-16 of the Mesa City Code. The City Manager or Water Resources Director shall maintain and amend as necessary a list of the Class I, II, and III industrial users.
- (H) Comply with the demand of the City Manager or Water Resources Director to immediately halt any actual or threatened discharge to the POTW when the City Manager or Water Resources Director has given notice that such actual or threatened discharge either:
1. Presents or may present an imminent or substantial endangerment to the health or welfare of any person or to the environment; or
 2. Will cause interference with POTW operations.
- (I) Immediately give notice to the City Manager or Water Resources Director of any problem-causing discharge to the POTW. A problem-causing discharge may not have caused an actual limit violation but had a characteristic of the narrative prohibitions of Section 8-4-15 of the Mesa City Code. The discharge also may be an accidental discharge, upset, slug load, limit violation of any categorical standard, pretreatment requirement, or permit condition imposed by this Chapter. Such notification will not relieve the industrial user of liability for any expense, loss, or damage to the sanitary sewer system or for any fines imposed on the City on account thereof and/or for any enforcement action pursuant to this occurrence. The notice shall be followed within ten (10) working days with a written report that shall include all of the following:
1. Location of the discharge;
 2. Known or estimated nature, concentration, and volume of the discharged pollutants;
 3. Type of assistance desired from the City;
 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 City Manager or Water Resources Director needed to accomplish all of the following:
 - (a) Prevent injury to human health or safety or to the environment, the 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 City for the POTW services provided by the City Manager or Water Resources 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 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 POTW by each user.
- (K) Reimburse the City for all expenses reasonably incurred by the City in insuring such industrial user's compliance with the applicable requirements of this Chapter. A schedule of such costs will be determined by the City Manager or Water Resources 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 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 8-4-19(G)2 of the Mesa City Code when a limit violation is detected during self-monitoring.
- (M) Notify the City Manager or Water Resources Director, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other).
- 1. If the industrial user discharges more than one hundred kilograms (100kg) of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the industrial user:
 - (a) An identification of the hazardous constituents contained in the wastes;
 - (b) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and
 - (c) An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months
 - 2. Industrial users shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste.
 - 3. Any notification under this Subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges shall be submitted under 40 CFR § 403.12(j).

4. The notification requirement in this Subsection does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR § 403.12(b), (d), and (e).
 5. Dischargers are exempt from the requirements of this Subsection during a calendar month in which they discharge no more than fifteen kilograms (15kg) of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR §§261.30(d) and 261.33(e). Discharge of more than fifteen kilograms (15kg) of nonacute hazardous wastes in a calendar month or of any quantity of acute hazardous wastes as specified in 40 CFR §§261.30(d) and 261.33(e) requires a one-time notification. Subsequent months during which the 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 City Manager or Water Resources 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 8-4-19(H) of the Mesa City Code.
- (O) Promptly notify the City Manager or Water Resources 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 CFR § 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 that analyses were performed;
 - (c) Who performed the analyses;
 - (d) The analytical techniques/methods used; and
 - (e) The results of such analyses.
 2. Retain for a minimum of three (3) years all records of monitoring activities and results, whether or not such monitoring activities are required by this Section, and shall make such records available for inspection and copying by the City Manager or Water Resources Director. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the City Manager or Water Resources Director.
- (Q) In order that officers, agents, and employees of permittees shall make available to their employees copies of this Chapter together with such other wastewater information and notices which may be furnished by the City from time to time for the purpose of improving and making more effective water pollution control, a notice shall be furnished and permanently posted on the permittee's bulletin board advising officers, agents, and

employees who to call in case of an accidental discharge in excess of the limits authorized by the permit.

- (R) If a significant industrial user, submit a compliance schedule that contains the information required in Section 8-4-19(F) of the Mesa City Code if found to be out of compliance by the City Manager or Water Resources Director.
- (S) Provide protection from accidental discharge of prohibited materials or other wastewater regulated by this Chapter.
- (T) Label any possible connection or entry point for a hazardous and/or prohibited substance to the plumbing or drainage system to warn operating personnel against discharge of such substance in violation of this Chapter.
- (U) Submit and maintain reports subject to all of the following:
 - 1. The provisions of 18 U.S.C. § 1001 relating to fraud and false statements;
 - 2. The provisions of CWA § 309(c)4 governing false statements, representation, or certification; and
 - 3. The provisions of CWA § 309(c)6 regarding responsible officers.
- (V) Implement methods at the industrial user's expense to reduce or control the concentration of pollutants through the use of best management practices or measures used to reduce the amount of pollution entering surface water, air, land, or groundwater. Each industrial user shall keep written records of the methods used, and such records shall be kept on-site for a minimum of three (3) years.

8-4-18: 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 City Manager or Water Resources 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 City Manager or Water Resources Director. The City Manager or Water Resources 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 City Manager or Water Resources Director under Section 8-4-28 of the Mesa City 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 City Manager or Water Resources Director;
 - 5. Will specifically identify all applicable discharge prohibitions and limitations and monitoring and reporting requirements which the City Manager or Water Resources 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, and best management practices imposed by this Chapter;
 - 7. May contain requirements for installation and maintenance of inspection and sampling facilities;

8. May require implementation of best management practices to reduce or eliminate the amount of pollutants discharged to the POTW.
 9. May contain other conditions and requirements as deemed reasonably necessary by the City Manager or Water Resources Director to meet the following concerns:
 - (a) Prevent pass-through or interference;
 - (b) Protect the quality of the water body receiving the POTW's effluent;
 - (c) Protect worker health and safety;
 - (d) Facilitate sludge management and disposal;
 - (e) Protect against damage to the POTW; and
 - (f) Ensure user compliance with this Chapter.
 10. May be appealed by the applicant by filing a petition for review with the City Manager or Water Resources Director within twenty (20) days of receipt of the permit. Such petition shall identify the permit provisions objected to, specify in detail the reasons for objection, and present the alternative condition, if any, sought to be placed in the permit. During the appeal process, the provisions of the permit that are not objected to shall be in effect, and the provisions that are objected to shall be stayed pending a final decision by the City Manager or Water Resources Director. If the City Manager or Water Resources Director fails to act within thirty (30) days of receipt of the petition for review, the petition shall be deemed to be denied.
- (B) Comply fully with all requirements and conditions of any Industrial Wastewater Discharge Permit. Once a permit is issued, no Class I or II industrial user shall do any of the following:
1. Make any new or increased industrial discharge;
 2. Make any change in the nature of its industrial discharge if such change will cause any new or increased industrial discharge;
 3. Fail to give notice to the City Manager or Water Resources 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 City Manager or Water Resources Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

8-4-19: SIGNIFICANT INDUSTRIAL USER REPORTING REQUIREMENTS

- (A) Significant industrial users not subject to categorical standards shall submit to the City Manager or Water Resources Director at least once every six (6) months (on dates specified by the City Manager or Water Resources Director) a description of the nature, concentration, and flow of the pollutants required to be reported to the City Manager or Water Resources 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 City Manager or Water Resources Director in lieu of such significant industrial user. Where the City Manager or Water Resources 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 CFR § 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 a POTW shall be required to submit to the City Manager or Water Resources 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 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 City Manager or Water Resources Director) from the POTW from both of the following:
 - (a) Regulated process streams and
 - (b) Other streams as necessary to allow use of the combined wastestream formula of 40 CFR § 403.6(e), as described in subparagraph 5(e) of this Subsection;
5. A measurement of pollutants conducted as follows:
 - (a) The user shall identify the categorical standards applicable to each regulated process.
 - (b) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the categorical standard or the City Manager or Water Resources Director) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.
 - (c) A minimum of four (4) grab samples shall be used for pH, cyanide, total phenol, oil and grease, sulfide, and volatile organics. For all other pollutants, twenty-four- (24-) hour composite samples shall be obtained through flow-proportional composite sampling techniques where feasible. The City Manager or Water Resources Director 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.
 - (d) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (e) Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR § 403.6(e) to evaluate compliance with the categorical standards. Where an 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 City Manager or Water Resources Director.
 - (f) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR 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 City Manager or Water Resources 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 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 City Manager or Water Resources 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.
- (D) Within ninety (90) days following the date for final compliance with applicable categorical standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to categorical standards shall submit to the City Manager or Water Resources Director a report containing the information described in paragraphs 4, 5, and 6 of Subsection (B) of this Section.
- (E) Any industrial user subject to a categorical standard after the compliance date of such standard or in the case of a new source, after commencement of the discharge into the POTW, shall submit to the City Manager or Water Resources Director during the months of June and December, unless required more frequently in the categorical standard or by the City Manager or Water Resources Director or approval authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in paragraph 4 of Subsection (B) of this Section, except that the City Manager or Water Resources Director may require more detailed reporting of flows.
- (F) The compliance schedule for meeting categorical standards required by paragraph 7 of Subsection (B) of this Section shall be as follows:
 - 1. The compliance schedule shall contain increments of progress, not to exceed nine (9) months, in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical standards. "Major events" include activities such as hiring an engineer, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, and completing construction.
 - 2. Not later than fourteen (14) days following each date in the compliance schedule and the final date for compliance, the industrial user shall submit a progress report to the City Manager or Water Resources Director, including whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established.
- (G) Monitoring and analysis to demonstrate continued compliance shall be conducted as follows:

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 City Manager or Water Resources Director, of pollutants contained therein which are limited by the applicable categorical standards. This sampling and analysis may be performed by the City Manager or Water Resources Director in lieu of the industrial user. Where the City Manager or Water Resources 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 CFR §§403.12(b)6 and 403.12(d). In addition, where the City Manager or Water Resources 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 City Manager or Water Resources 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 City Manager or Water Resources Director within thirty (30) days after becoming aware of the violation. However, the industrial user is not required to resample if either:
 - (a) The City Manager or Water Resources Director performs sampling of the industrial user at a frequency of at least once per month or
 - (b) The City Manager or Water Resources 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 City Manager or Water Resources 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 CWA § 304(h) and contained in 40 CFR 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 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question or where the administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the City Manager or Water Resources Director or other parties approved by the administrator.
 5. If an industrial user subject to the reporting requirements in Subsection (E) of this Section monitors any pollutant more frequently than required by the City Manager or Water Resources Director using the procedures prescribed in paragraph 4 of this Subsection, the results of this monitoring shall be included in the report.
- (H) The reports required by Subsections (B), (C), (D), and (E) of this Section shall both:
1. Include the certification statement set forth as follows:

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

- (a) By a responsible corporate officer, if the industrial user submitting the reports required by Subsections (B), (C), (D), and (E) of this Section is a corporation. For purposes of this paragraph, a “responsible corporate officer” means either:
 - (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or
 - (ii) The manager of one (1) 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 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 City Manager or Water Resources 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 City Manager or Water Resources Director prior to or together with any reports to be signed by an authorized representative.

8-4-20: 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.

8-4-21: 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 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.
- (B) All bypasses are prohibited except in the following circumstances:
 1. The bypass is unavoidable to prevent loss of life, personal injury, or substantial property damage;
 2. No feasible alternatives to the bypass exist; or
 3. The purpose of the bypass is maintenance which is essential to assure efficient operation and the bypass will

not cause the exceedance of an effluent limitation contained in an NPDES Permit.

- (C) If a permittee has prior knowledge of the need for a bypass, the permittee shall submit written notice of such fact to the City Manager or Water Resources Director at least ten (10) days before the date of the bypass. If an unanticipated bypass occurs, the permittee shall notify the City Manager or Water Resources Director within twenty-four (24) hours of receiving knowledge of the bypass and shall submit within five (5) days a written report to the City Manager or Water Resources Director specifying all of the following information:
1. A description of the bypass, including its cause and duration;
 2. Whether the bypass has been corrected, and if not, specific plans, including time frames, to correct it; and
 3. The steps being taken or to be taken to reduce, eliminate, and prevent a reoccurrence of the bypass.

8-4-22: INTERCEPTORS

- (A) Interceptors such as grease, oil, or sand shall be provided for laundries, restaurants, service stations, auto repair shops, carwashes, and other facilities when the City Manager or Water Resources Director determines that they are necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts or any flammable wastes, sand, and other harmful ingredients.
- (B) All interceptors shall be of a type and capacity approved by the City Manager or Water Resources Director and shall be located as to be readily and easily accessible for cleaning and inspection.
- (C) Interceptors such as grease, oil, or sand shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They 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, interceptors such as grease, oil, or sand shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times. The owner shall keep written records and documentation of all cleaning, repair, calibration, and maintenance required to demonstrate compliance with this Section. Records shall be kept at the facility for a minimum of three (3) years and shall be made available to the City Manager or Water Resources Director upon his request.
- (E) 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 the 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 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	

- (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 City Manager or Water Resource Director or Designee);
 - 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 Mesa.
- (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 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 grease trap shall be installed whenever a three (3) compartment sink is required by Maricopa County;
 - 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
 - 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.
 - 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.

8-4-23: CONTROL MANHOLES

When required by the City Manager or Water Resources 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 SS, 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 City Manager or Water Resources Director. The manhole shall be installed by the owner at the owner's expense.

8-4-24: RIGHT OF ENTRY FOR INSPECTION

- (A) Any authorized employee of the Water Resources Department shall have free access, upon presentation of credentials and at all reasonable hours, to all commercial or industrial premises connected to the City 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 City personnel to enter 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 POTW user or potential user shall allow all actions, including inspection, monitoring, and copying of records, reasonably needed by the City Manager or Water Resources Director to perform the duties required or needed under this Chapter.
- (C) Servicemen, industrial wastewater inspectors, sanitary engineers, or other employees of the Water Resources 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 City sewer shall be provided with credentials to identify them as authorized representatives for the Water Resources Department.
- (D) No person except an authorized employee of the Water Resources Department shall have or exhibit any credentials of the Water Resources Department. It shall be the duty of each employee of the Water Resources Department upon resignation or dismissal to deliver and surrender at the office of the City Manager or Water Resources Director all credentials of the Water Resources Department in the employee's possession.

8-4-25: DETERMINATION OF WASTEWATER QUALITY

- (A) Testing by direct sampling, utilizing recognized field techniques, equipment, and procedures, will be used for all industrial users. Wastewater characteristics shall be determined by the City Manager or Water Resources Director on the basis of monitored wastewater discharged, a certified statement from the user, or on the best available data as to the characteristics of such discharges.
- (B) If it is determined through testing that a significant variation exists between the user's certified data and the discharge characteristics monitored by the City Manager or Water Resources Director, the City may adjust the sewer use charge based on the monitored data from the original date of certification unless written communication has occurred notifying the Water Resources Department of changes in loading and giving specific dates of changes.
- (C) Where sampling and gauging of a specific user is not practical for physical, economic, safety, or other reasons, the City Manager or Water Resources Director may designate values for concentrations of the wastewater discharged to the POTW for all users in the same standard industrial classification or subclassification.

8-4-26: CONFIDENTIAL INFORMATION

Information and data on a POTW user obtained from inspections, reports, questionnaires, permit applications, permits, and monitoring programs shall be available to the public or other governmental agencies without restriction unless the

user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user. However, all information shall be made available upon written request by governmental agencies for uses related to this Chapter, the NPDES Permit, State Disposal System Permit, and/or the pretreatment programs, including judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. To claim this trade secret protection, the user must specify at the time of submitting reports or information that part he desires to protect.

8-4-27: AUTHORITY OF THE CITY MANAGER OR WATER RESOURCES DIRECTOR TO REGULATE AND ENFORCE POTW USER COMPLIANCE

The City Manager or Water Resources Director is authorized to regulate and enforce POTW user compliance with the requirements of this Chapter. In carrying out this responsibility, the City Manager or Water Resources 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 POTW;
 - 2. Establish permissible limits of concentration for various specific substances, materials, waters, or wastes that can be accepted into the POTW;
 - 3. Specify those pollutants, materials, waters, or wastes that are prohibited from entering the POTW. All prohibitions so established shall be placed on file with the City Clerk and will become effective and enforceable on the thirty-first (31st) day after the date of filing;
 - 4. Establish limitations for individual users or class of users for various pollutants, materials, waters, or wastes that can be accepted into the POTW. All limitations so established shall be placed on file with the City Clerk and will become effective and enforceable on the thirty-first (31st) day after the date of filing;
 - 5. Identify those pollutants, materials, waters, or wastes that shall be controlled with best management practices. Pollutants, materials, waters, or wastes to be controlled with best management practices that have been identified by the City Manager or Water Resources Director shall be placed on file with the City Clerk and will become effective and enforceable on the thirty-first (31st) day after the filing;
 - 6. Require individual users or class of users to implement best management practices for any pollutant, materials, water, or waste.
 - 7. 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 SS; 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 8-4-18 of the Mesa City Code.
- (C) Incorporate the pertinent requirements of this Chapter into every City contract with any POTW user located outside of the municipal jurisdiction of the City. Such contracts may also provide for liquidated damages and, if applicable, specific performance as remedies for breach of contract.

- (D) Receive and analyze all self-monitoring reports and notices submitted by industrial users.
- (E) Randomly sample and analyze effluent for industrial users at least once a year and conduct those surveillance and inspection activities needed to identify, independently of any information supplied by such users, occasional or continuing noncompliance with any categorical standard or pretreatment requirement.
- (F) Investigate instances of noncompliance with any categorical standard or pretreatment requirement when notice of any actual or probable noncompliance has been received by the City Manager or Water Resources Director.
- (G) Notify POTW users of noncompliance with categorical standards or pretreatment requirements discovered by the City Manager or Water Resources Director. Such notice shall also contain a demand for any appropriate corrective action which is necessary to meet the applicable requirements of this Chapter. The appropriate level of action shall be based on detailed written procedures developed by the Department.
 - 1. Any POTW user will be allowed an opportunity to respond to an order of the City Manager or Water Resources Director before any enforcement action against such user is initiated unless the discharge is a threat to the public health, safety, or welfare, in which case the City Manager or Water Resources Director may initiate enforcement action without giving notice.
 - 2. A timely and satisfactory response to an order may result in the issuance of a negotiated settlement agreement signed jointly by the user and the City Manager or Water Resources Director indicating a mutually agreeable resolution of the noncompliance action. If such a settlement agreement is reached, the City Manager or Water Resources Director shall provide notice in the largest daily newspaper published in the City of the agreement and a thirty- (30-) day public comment period on the agreement. If no public comments are received on the settlement agreement, the agreement shall become final and effective thirty-one (31) days after the notice publication date. Any public comments received by the City Manager or Water Resources Director shall be responded to in writing and mailed to the commenting party and the affected POTW user. A determination by the City Manager or Water Resources Director that no changes are necessary to the settlement agreement shall result in the agreement becoming final and effective upon the issuance of the City Manager or Water Resources Director's written response. If the City Manager or Water Resources Director determines that public comment warrants any modification to the settlement agreement, then an attempt shall be made to renegotiate the agreement. If a modified settlement agreement is reached, the City Manager or Water Resources Director shall determine whether the modification significantly alters the substance of the initial settlement agreement. The modified settlement agreement shall become final and effective if the City Manager or Water Resources Director determines that no significant alteration occurred. The City Manager or Water Resources 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 CFR Part 25 in connection with the City's enforcement of any categorical standards.
- (I) Both:
 - 1. Determine which actual or threatened discharge to the POTW will cause interference with the 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 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 largest daily newspaper published in the City 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 CWA §§ 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 City Manager or Water Resources Director decides that a slug control plan is needed, the plan shall contain all of the following elements:
 - 1. Description of discharge practices, including nonroutine batch discharges;
 - 2. Description of stored chemicals;
 - 3. Procedures for immediately notifying the City Manager or Water Resources Director of slug discharges, including any discharge that would violate a prohibition under 40 CFR § 403.5(b), with procedures for follow-up written notification within five (5) days. The written report must detail the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification will not relieve the user of any expense, loss, damage, or other liability that might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor will such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to this chapter.
 - 4. Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of material, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- (N) Require both:
 - 1. The development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment requirements, and
 - 2. The submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment requirements, including the reports required in 40 CFR § 403.12.
- (O) If the City Manager or Water Resources Director determines that it will not harm the POTW, approve the discharge of storm water, surface water, groundwater, roof runoff, subsurface drainage, single-pass cooling water, or condensate that may constitute inflow.

8-4-28: VIOLATIONS; RESTRICTION OF SEWER SERVICE

- (A) Failure to comply with any of the requirements of this Chapter may result in the following actions:
 - 1. The City Manager or Water Resources Director may restrict or otherwise limit allowable discharges.
 - 2. The City Manager or Water Resources Director may suspend or revoke any Industrial Wastewater Discharge Permit issued to a permittee.
 - 3. The City Manager or Water Resources Director may discontinue water and/or 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 City Manager or Water Resources Director shall give written notice to the person of the discontinuance and an opportunity to appear before the City Manager or Water Resources Director on any disputed matter relative to the discontinuance of sewer service.
 - (b) However, the City Manager or Water Resources 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. The cost of reconnecting the sewer service will be assessed and shall be paid to the Water Resources Department.
- (B) Upon notice of a final determination by the City Manager or Water Resources 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.

8-4-29: 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 City 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 City Manager shall consider all of the following:
1. The seriousness of the violation;
 2. The economic benefit, if any, resulting from the violation;
 3. Any history of such violation;
 4. Any good faith efforts to comply with the applicable requirements;
 5. The economic impact of the penalty on the violator; and
 6. Such other factors as justice may require.
- (C) The City Manager or Water Resources Director shall provide written notice and an opportunity to be heard to any person assessed an administrative penalty under this Section. Within fifteen (15) days of receipt of the notice, such person shall pay the penalty or file a written request for a hearing with the City Manager. If a hearing is held, the City Manager shall issue a written decision, and such decision shall be final.
- (D) The assessment of administrative penalties under this Section shall not limit the availability or imposition of other penalties, remedies, or sanctions under the law or this Chapter.

8-4-30: VIOLATIONS; CIVIL AND CRIMINAL ACTIONS

The City Manager may request that the City Attorney commence criminal and/or civil action against any POTW user violating any requirement of this Chapter, including an action pursuant to A.R.S. § 49-391 to enforce the collection of administrative penalties assessed under Section 8-4-29 of the Mesa City Code.

8-4-31: ENFORCEMENT OF CHAPTER

- (A) The requirements of this Chapter are made for the benefit of the POTW users, for the protection of the POTW, and to protect the quality of effluent. Their enforcement shall in no case be willfully ignored by any City official or employee.
- (B) Upon written request from any person for an exemption from a requirement contained in this Chapter, the City Manager or Water Resources Director may determine whether the requirement would cause a gross injustice to a particular POTW user and whether it is in the public interest to grant the exemption. The City Manager or Water Resources Director shall explain in writing to the person seeking the exemption the ultimate determination granting or denying the request. Under no circumstances may an exemption be sought or granted from requirements imposed by applicable state and federal laws.