

RESOLUTION NO. 2015-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK ENTITLED THE “REVISED DISCHARGE LIMITATIONS FOR INDUSTRIAL USERS” AND DECLARING AN EFFECTIVE DATE

RECITALS:

WHEREAS, pursuant to A.R.S. § 9-802 a municipality may enact or amend provision of the City Code by reference to a public record, providing that the adopting ordinance is published in full.

ENACTMENTS:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:
SECTION 1.

That certain document known as “*REVISED DISCHARGE LIMITATIONS FOR INDUSTRIAL USERS*”, attached hereto as Exhibit A, three copies of which are on file in the office of the City Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the City Clerk.

SECTION 2.

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

PASSED AND ADOPTED by the City Council of the City of Flagstaff this _____ day of _____, 2015.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

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Exhibit A

REVISED DISCHARGE LIMITATIONS FOR INDUSTRIAL USERS CHAPTER 7-02 WASTEWATER REGULATIONS

7-02-001-0001 DIVISION CREATED

There is hereby created a Wastewater Services Section, to be under the supervision and control of the Director of Utilities ("Director"). The Director shall be charged with the care, operation and maintenance of the wastewater treatment and collection systems, and shall be responsible for the enforcement of all provisions contained in this Chapter. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other City personnel.

(Ord. 2002-08, Amended, 07/16/2002)

7-02-001-0002 APPOINTMENT OF DIRECTOR OF UTILITIES:

For the proper administration of the water and wastewater services facilities, there shall be appointed by the City Manager a Director of Utilities.

7-02-001-0003 PURPOSE AND POLICY

These Wastewater Regulations set forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the City of Flagstaff, Arizona ("City"), and enable the City to comply with all applicable State and Federal laws, including the CWA ([33](#) United States Code §§1251 et seq.) and the General Pretreatment Regulations (Title [40](#), Code of Federal Regulations, Part 403). The objectives of these Wastewater Regulations are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with their operation;
- B. To prevent the introduction of pollutants into the POTW that will pass through the POTW without adequate treatment, into receiving waters, or that will otherwise be incompatible with the POTW;
- C. To protect the POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the POTW;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW;
- F. To enable the City to comply with its National Pollutant Discharge Elimination System Permit conditions, its sludge use and disposal requirements, and any other Federal or State laws to which the City's POTW is, or may become, subject. These Wastewater Regulations shall apply to all users of the City's POTW, and shall authorize the issuance of wastewater discharge permits; provide for effective monitoring, compliance, and enforcement procedures; establish administrative review procedures; establish user monitoring and reporting requirements; provide for the setting of fee rates and surcharges for the equitable distribution of costs resulting from the proper maintenance and operation of the City's POTW; and provide for the assessment of civil and criminal penalties for Wastewater Regulation violations.

(Ord. 2002-08, Add, 07/16/2002)

7-02-001-0004 DEFINITIONS:

For the purpose of this Chapter, the following words and terms shall have the following meanings, unless the context indicates otherwise:

ADEQ OR DEQ: The Arizona Department of Environmental Quality. (Ord. 1950, 08/05/97)

ALERT LIMIT: The level at which, if exceeded by ~~if a Significant Industrial User exceeds the alert limit,~~ it is recommended that the POTW or City conduct an evaluation to determine if that discharge had or is ~~was~~ having impact on the plant effluent quality, and if pass-through or interference was or is occurring ~~and~~ leading to compliance concerns at the POTW, then voluntary correction or enforcement action is recommended.

APPROVED LABORATORY PROCEDURES: The measurements, tests and analysis of the characteristics of water and wastes in accordance with analytical procedures as established in title [40](#), Code of Federal Regulations, Part 136 as revised.

AVERAGE QUALITY: The arithmetic average (weighted by flow value) of all the "daily determinations of concentration", as that term is defined herein, made during a calendar month.

BEST MANAGEMENT PRACTICES or BMPs: ~~means~~—The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR §403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BOD (biochemical oxygen demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty degrees (20o) centigrade, expressed in milligrams per liter.

BRANCH SEWER: An arbitrary term for a sewer which receives sewage from lateral sewers from a relatively small area.

BUILDING CONNECTION: The connection to the public sewer and 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. (Ord. 1681, 12/4/90)

BUILDING OFFICIAL: The Chief Building Inspector, or authorized representative. (Ord. 1723, 4/7/92)

BUILDING SEWER: The service line from the building to the sewer main.

BYPASS: The intentional diversion of wastestreams from any portion of an Industrial User's facility

CATEGORICAL STANDARD: Limits for pollutants that are set by the EPA for individual types of industry listed in [40 CFR 403](#).

CFR: The Code of Federal Regulations, as amended.

CITY: City of Flagstaff. (Ord. 1104, 12-4-79)

CLEAN WATER ACT: The Federal Water Pollution Control Act., Public Law No. 92-500, § 2, 86 Stat. 816, as amended, also known as the "Clean Water Act," codified at [33 U.S.C. §§ 1251 - 1387](#). (Ord. 1950, 08/05/97)

COD (Chemical Oxygen Demand): The quantity of oxygen consumed from a chemical oxidation of inorganic and organic matter present in the water or wastewater, expressed in milligrams per liter.

COLLECTION SYSTEM: Any and all lines, manholes, or other mechanical or physical appurtenances which may be involved with the conveyance of wastewater to or from the City Wastewater Treatment Plant(s).

COMMISSION: A commission established by the City Council to review and make recommendations on the water and wastewater systems.

COOLING WATER: The clean wastewater discharged from any heat transfer system such as condensation, air conditioning, cooling, or refrigeration.

DAILY COMPOSITE SAMPLE: A sample of effluent, discharge or other source of pollutants continuously collected, manually or automatically, over a normal operating day. Samples should be collected over at least an 8 hour period during production, but preferably over a 24 hour period, with one sample being drawn at least once every two hours. Composites should be flow proportional wherever feasible. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.

DAILY DETERMINATION OF WASTEWATER QUALITY: For composite samples, "daily determination of wastewater quality" shall be the concentration of any parameter tested in a daily composite sample. For grab samples, the "daily determination of wastewater quality" shall be the arithmetic average (weighted by flow value) of the concentrations of any parameter in each grab sample obtained in any calendar day.

DIVISION: Utilities Division.

DEVELOPER: Any person engaged in the organizing and financing of a sewage collecting system within an area contributing to a branch, main or a trunk sewer of the City sewer system. Such may be either a subdivider or a legally constituted improvement district.

DIRECTOR: The Director of the Utilities Division of the City, unless otherwise designated. (Ord. 1950, 08/05/97)

Director of Finance or authorized deputy, agent, or representative shall have the authority to determine and collect all service rates and to make such regulations as necessary for same, including the ordering of a discontinuance of service for non-payment of required service fees. (Ord. 1723, 4/7/92)

DISCHARGE: The disposal of sewage, water or any liquid from any sewer user into the sewerage system.

DOMESTIC WASTE: A typical, residential-type waste which requires no pretreatment under the provisions of this Chapter before discharging into the sanitary sewer system, excluding all commercial, manufacturing and industrial wastes. (Ord. 1104, 12-4-79)

EFFLUENT: Wastewater or other liquid - raw, partially or completely treated - flowing from a basin, treatment process, or treatment plant.

EPA: United States Environmental Protection Agency. (Ord. 1236, 11-29-82)

FINAL: The Local Limits established by ordinance and to remain in effect ~~which are recommended to remain~~ until the system is re-evaluated as a whole, ~~tentatively~~ during the next local limits update.

GRAB SAMPLE: An individual sample of effluent, discharge or other source of pollutants collected in less than fifteen (15) minutes.

HAZARDOUS DISCHARGE: A discharge which is considered by the City to be an imminent hazard to health, the environment, or the POTW.

INDIRECT DISCHARGE: The introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Clean Water Act as amended [33 USC 1251](#), et seq.

INDUSTRIAL USER: A source of indirect discharge.

INDUSTRIAL WASTE: Any liquid, free-flowing waste, including cooling water, resulting from any industrial or manufacturing process or from the development, recovery or processing of natural resources, with or without suspended solids excluding uncontaminated water.

INDUSTRIAL WASTEWATER DISCHARGE PERMIT: The permit granted by the City to an industrial user granting the right to discharge to the sewer works subject to the terms and conditions set forth in the permit.

INFLOW: Water other than wastewater that enters a sewer system (including sewer service connections) from sources such as roof leaders, cellar drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm waters, surface runoff, street wash waters or drainage.

INTERFERENCE: Inhibition or disruption of the sewer system, treatment processes or operations which contribute to a violation of any requirement of a national pollutant discharge elimination system permit. The term includes prevention of sewage sludge use or disposal by the cities in accordance with section 405 of the Act, or any critical guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the City.

INTERIM: ~~Limits which are g~~Guiding limits while the POTW or City investigates other sources of pollutants and ways of controlling those sources.

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

MAIN SEWER: A sewer which receives sewage from one or more branch sewers as tributaries.

MAINTENANCE: Keeping the treatment works in a state of repair, including expenditures necessary to maintain the capacity (capability) for which said works were designed and constructed. (Ord. 1950, 08/05/97)

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

NPDES PERMIT: The permit or permits issued to and held by the City under the National Pollutant Discharge Elimination System, pursuant to [33 U.S.C. § 1342](#) and [40 CFR Parts 122 through 125](#). (Ord. 1950, 08/05/97)

PARAMETER: See "TREATMENT PARAMETER".

PASS THROUGH: An effluent flow which exits the POTW in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

PERMITTEE, PERMIT HOLDER: Any person, firm, association, corporation or trust which owns, operates, possesses or controls an establishment or plant being operated under a valid industrial waste permit to discharge waste into the City sewer system.

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

POTW: Publicly owned treatment works.

PRETREATMENT: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW, as further defined and described in [40 CFR 403.3\(q\)](#). (Ord. 1950, 08/05/97)

PRETREATMENT STANDARDS or PRETREATMENT REQUIREMENTS: Any substantive or procedural requirements relating to pretreatment, including the specific pollutant limits set forth in Section 0010 of this Chapter. (Ord. 1950, 08/05/97)

PUBLIC SEWER: A lateral, branch, main or trunk sewer controlled and maintained by the City of Flagstaff. (Ord. 1236, 11-29-82)

RECLAIMED WASTEWATER: The treated effluent, which is the product of the Municipal wastewater system, although not suitable for human consumption, may be used for certain industrial or commercial purposes. (Ord. 1723, 4/7/92)

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

REPRESENTATIVE SAMPLE: A sample which takes a portion of the user's discharge which will be indicative of all the constituents of the discharge.

SANITARY SEWER: A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SEVERE PROPERTY DAMAGE: Substantial physical damage to property, damage to the treatment facilities which caused them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

SEWAGE/SEWERAGE: A combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

SEWAGE TREATMENT PLANT: Any arrangement of devices and structures used for treating sewage.

SEWER: A pipe or conduit for carrying sewage.

SEWER TAP: Includes hole cut into main line and saddle to which to connect. (Ord. 1681, 12/4/90)

SLUG LOAD: Any pollutant discharged in quantities large enough to cause interference, upset, or pass-through at the POTW.

STANDARD INDUSTRIAL CLASSIFICATION (SIC): A coded classification of industries based upon economic activity developed by the U.S. Department of Commerce as published in the Standard Industrial Classification Manual, 1987, Office of Management and Budget.

STANDARD METHODS: The procedure as described in the most current edition of Standard Methods for the Examination of Water and Wastewater published by the American Health Association, or the most current edition of Manual of Methods for Chemical Analysis of Water and Wastes published by the U. S. Environmental Protection Agency.

STORM SEWER or STORM DRAIN: A sewer which carries storm and surface waters and STORM DRAIN: drainage, but excludes sewage and polluted industrial wastes.

SURCHARGE: An additional charge levied against Industrial Users for exceeding certain thresholds of BOD or TSS, as described in § 0038.H and set forth in § 0039.A of this Chapter. (Ord. 1950, 08/05/97)

SUSPENDED SOLIDS (SS): Solids measured in milligrams per liter that either float on the surface of or are in suspension in water, wastewater or other liquids and which are largely removable by a laboratory filtration device, as defined in the "Standard Methods" as defined herein.

SYSTEM DESIGN CAPACITY: The design capacity for normal domestic wastewater as established by accepted engineering standards.

TREATMENT PARAMETER: A fundamental characteristic of sewage around which treatment is designed, such as, but not limited to, flow, BOD, and suspended solids.

TSS: Total suspended solids, expressed in milligrams per liter, in a user's discharge. (Ord. 1950, 08/05/97)

TRUNK SEWER: A sewer which receives sewage 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 categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. This does not include noncompliance due to operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

U.S.C. The United States Code, as amended. (Ord. 1950, 08/05/97)

USER: Any person, lot, parcel of land, building, premises, Municipal corporation or other political subdivision that discharges, causes or permits the discharge of wastewater into the sewage system.

UTILITIES DIVISION: The Utilities Division of the City. (Ord. 1950, 08/05/97)

VOC (Volatile Organic ~~Chemistry~~ Compounds): Those parameters included in EPA method ~~604/602~~ 624/ 625.

WASTEWATER SYSTEM: All facilities for collection, pumping, treating, and disposing of sewage. As used in this Chapter the terms sewer system or wastewater system shall have the same meaning and definition.

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 1236, 11-29-82)

(Ord. No. 1681, Amended, 12/04/90; Ord. No. 1693, Amended, 05/07/91; Ord. No. 1723, Amended, 04/07/92; Ord. No. 1950, Revised, 08/05/97)

7-02-001-0005 INTERFERENCE WITH THE UTILITIES DIVISION; DIGGING UP STREETS WITHOUT A PERMIT; TAMPERING WITH EQUIPMENT PROHIBITED:

Every person who shall in any way interfere with employees of the Utilities Division in any discharge of their duties, either in the tapping of any sewer pipe, main, or lateral belonging to the City, or the cleaning, laying, or connection of any such pipe or main or lateral, or who shall dig up or cause to be dug up, any street or alley in the City for the purpose of connecting with the sewer system of the City without first obtaining a permit from the City Engineer, or who, having a permit, shall dig up any portion of any street or alley of the City for the purpose of connecting with the sewer system of the City and shall fail or neglect to place the street or alley in its original condition, or who shall maliciously or wilfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Municipal sewer system shall be guilty of a petty offense. (Ord. 1104, 12-4-79)

7-02-001-0006 ALLOCATION OF RESPONSIBILITY FOR CLEANING, REPAIR AND REPLACEMENT OF BUILDING SEWERS AND CONNECTIONS:

- A. The property owner shall be responsible for the cleaning, unblocking, maintenance and repair of the sewer connection piping serving the owner's property from the owner's home or building to the public sewer main. (Ord. 1631, 8/1/89)
- B. Where the correction of a stoppage requires the repair or replacement of a damaged or broken section which is located off-property in a street or alley, the necessary repairs must be made by a licensed contractor, the scope of which licenses allows him to work within a public right of way subject to securing a right of way permit from the Engineering Section.

After repairs are made to a sewer connection in a concrete or asphalt street the street shall be cut, filled, and compacted to grade, the top lift being one foot of road base material approved by the City Engineering Section. Upon completion, the street shall be opened to traffic and the City Public Works Division contacted to repair the street.

When the repairs to a sewer connection are required under a sidewalk, curb or gutter, the sidewalk, curb or gutter shall be square cut to avoid unnecessary damage. After completion, the excavation shall be backfilled and compacted to grade and the City Public Works Division contacted to repair the sidewalk, curb or gutter.

If in the opinion of the City Utilities Director an unnecessary amount of street, sidewalk, or curb and gutter is damaged in the process of making the repair, the contractor shall be charged for the repair of that amount. (Ord. 1631, 8/1/89)

C.

1. If the property owner perceives the location of a sewer service problem to be the City's main sewer line, the property owner should contact the City's Utilities Director. (Ord. 1631, 8/1/89)
2. The City will cooperate with the property owner to locate the cause of a sewer service problem, including the performance of appropriate tests or inspections on the City's main line. If the location of the sewer service problem is identified to be in the property owner's service line, responsibility for the repairs pursuant to paragraph (A) above. The City will cease any repair efforts if responsibility for the repairs falls on the property owner pursuant to paragraph (A) above. (Ord. 1631, 8/1/89)
3. If the location is determined to be in the City's main line, the City will initiate the appropriate repair action.
4. If the location of the sewer problem cannot be identified, the City will proceed with the appropriate excavation to locate the cause of the problem. If the location of the problem is determined to be within the property owner's service line, responsibility for the repairs shall be pursuant to paragraph (A) above. In addition, the property owner shall reimburse the City for costs incurred by the City in performing the necessary excavation if responsibility for the repair is on the property owner pursuant to paragraph (A) above. If the location of the problem is within the City's main line, the City shall perform the appropriate repairs and the property owner shall bear no responsibility for the costs of excavation. (Ord. 1631, 8/1/89)

(Ord. No. 1631, Amended, 08/01/89)

7-02-001-0007 UNSANITARY DISPOSAL OF EXCREMENT PROHIBITED:

It shall be unlawful for any person to deposit, or permit to be deposited, in an unsanitary manner, upon public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement or other objectionable waste.

7-02-001-0008 TREATMENT OF POLLUTED WASTES REQUIRED:

It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City, any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided, in accordance with provisions of this Chapter. (Ord. 1104, 12-4-79)

7-02-001-0009 PROHIBITED SUBSTANCES:

- A. The Director of Utilities shall have the authority to regulate the volume and flow rate of discharge to the sewage works and to establish permissible limits of concentration for various specific substances, materials, or wastes that can be accepted into the sewage works, and to specify those substances, materials, waters or wastes that are prohibited from entering the sewage works. (Ord. 1693, 5/7/91)
- B. The following are prohibited from the City wastewater collection system:
 1. Any substance that interferes with the POTW or wastewater collection system.
 2. Any liquids, solids, or gases which by reason of their nature or quantity could be sufficient, either alone or by interaction with other substances, to cause injury to the POTW from fire or explosion. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge to the POTW, be more than five percent (5%), nor any single reading over ten percent (10%), of the Lower Explosive Limit (LEL) of the meters. Prohibited materials include, but are not limited to: Gasoline, kerosene, naphtha, trichloroethylene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, wastestreams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in [40 CFR 261.21](#). (Ord. 1693, 5/7/91); (Ord. No. 2007-23, Amended 03/20/2007)

3. Any water which contains a solid or viscous substance which could obstruct the flow in the collection system or interfere with the POTW. (Ord. 1989, 1/19/99)
4. Any particles greater than one-half inch (1/2") in any dimension, animal tissues, manure, ashes, cinders, sand, metal, glass, straw, paper, wood, plastics, gas, tar, asphalt and grinding wastes. (Ord. 1896, 11/21/95)
5. Any substance that can cause corrosive damage to the POTW or collection system and any substance with a pH of less than ~~5.0~~ 6.5 standard units (s.u.) or greater ~~than~~ ~~than~~ 12.5. 11.0 s.u. (Ord. 1958, 10/07/97)
6. Any liquid or vapor which causes the temperature entering the POTW to exceed one hundred four degrees (104o) Fahrenheit (40o C) or any liquid or vapor with a temperature greater than one hundred sixty degrees (160o) Fahrenheit (71o C). (Ord. 1693, 5-7-91)
7. Any toxic or radioactive substance in sufficient quantity to interfere with the POTW or collection system or to create a health or environmental hazard.
8. Any substance requiring unusual attention or expense of the City unless specifically authorized. Compensatory payments be determined by the City to be paid by the user who contributes any such authorized substance.
9. Any noxious or malodorous liquid, gas or solid which creates a public nuisance, health or environmental hazard, or inhibits entry into any part of the wastewater system for maintenance or monitoring.
10. Any water with a volume greater than twenty (20) GPM containing dyes, inks or other color-causing substances that change the typical color in the wastewater collection system.
11. Any substance causing a hazard to health or to the environment.
12. Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that cause interference or pass through. (Ord. 1693, 5-7-91)
13. Any trucked or hauled pollutants, except at discharge points designated by the POTW. (Ord. 1693, 5-7-91)
14. Any combination of substances contributed by one or more users which results in any of the above situations.
15. The following pesticides are expressly prohibited from discharge into the City sewer system: 4,4'-DDD; 4,4'-DDE; 4,4'-DDT; and Heptachlor.

(Ord. No. 1693, Amended, 05/07/91; Ord. No. 1896, Amended, 01/08/96; Ord. No. 1896, Amended, 11/21/95; Ord. No. 1958, Amended, 10/07/97; Ord. No. 1989, Amended, 01/19/99); (Ord. 2002-08, Amended, 07/16/2002); (Ord. No. 2007-23, Amended 03/20/2007)

7-02-001-0010 STANDARDS FOR DISCHARGE:

- A. A technically-based determination of local Industrial User discharge limits for heavy metals, organics and other pollutants, for which there exists a specific discharge limit at the POTW, be made by the City Utility Director and EPA. Such determination shall take into account removal percentages of the POTW, and dilution factors. (Ord. 1693, 5/7/91)
- B. The following specific limits shall apply to all Industrial User discharges and may be modified, with prior notice to the Industrial user and an opportunity to respond, to comply with applicable State and/or Federal regulations. (Ord. 1693, 5-7-91)

Parameter Maximum	(mg/L)
<u>Inorganics</u>	
Lead	0.041
Copper	4.00 .15
Zinc	1.40
Mercury	0.017 BMP (interim)
Methylene-Chloride	4.10
Cyanide(Total)	.24
Arsenic	.26 .31
Silver	0.30
Toluene	4.20
BOD	1,000.00
TSS	1,200.00
Benzene	0.35
Selenium	.015
Sulfides	4.5
HEM [a]	(152 mg/L) *(Qmax)= lb/day Load (interim)
<u>Volatile Organic Compounds</u>	
Methylene Chloride	4.1
Toluene	.14
Benzene	.102
Total Trihalomethanes	.32 alert
Bromodichloromethane	.08 alert
Bromoform	.08 alert
Chloroform	.08 alert
Dibromochloromethane	.08
Bromide	.05
<u>Semivolatile Organic Compounds</u>	
Bis(2-ethylhexyl) phthalate(BEHP)	best management practices (BMP)
<u>Pesticides</u>	
Aldrin	Prohibited
<u>Conventional Pollutants</u>	
BOD	1000 mg/L (Surcharges If >400 mg/L)
TSS	1200 mg/L (Surcharges if > 450 mg/L)
Total Nitrogen	173 mg/L
pH	6.5 <pH> 11.0

(Ord. 1896, 11/21/95); (Ord. No. 2007-23, Amended 03/20/2007)

- C. The City may set limits based on mass measurements of pollutants for a particular substance or a particular user if it is necessary for adequate regulation. Discharge limits may be set in order to meet any limits set for sludge disposal.
- D. Industrial users meet the requirements of the U.S. Code of Federal Regulations, [40 CFR 403](#) and the amendments thereof. No discharge may exceed any Federal Categorical standard or cause the POTW to exceed its AZNPDES Permit. The City may request approval to modify a Federal Categorical Standard, according to [40 CFR 403](#). (Ord. 1693, 5-7-91)
- E. Dilution may not be used to meet a standard or limit unless it is expressly authorized by the categorical standard set by the EPA or by the City. (Ord. 1693, 5/7/91)
- F. Bypass prohibition:
1. Notice of bypass to occur

- a. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Utilities Director, if possible, at least ten days before the date of the bypass.
- b. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Director of Utilities within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

2. Prohibition of bypass

Bypass is prohibited, and the Utilities Division may take enforcement action against an Industrial User for a bypass unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. there were no feasible alternatives to the bypass;
- c. the User submitted notices as required above.

G. O & M Requirements:

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

An Industrial violation of City discharge limits, which is due to operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, carelessness or improper operation will not be considered unintentional by the City of Flagstaff.

All Industrial Users shall maintain their general facilities in such a manner as to eliminate or minimize the possibility of discharge of substances by that industry, which are in violation of applicable Pretreatment Standards. (Ord. 1693, 5-7-91)
(Ord. No. 1693, Amended, 05/07/91; Ord. No. 1896, Amended, 11/21/95; Ord. No. 1950, Revised, 08/05/97)
(Ord. 2002-08, Amended, 07/16/2002); Ord. No. 2007-23, Amended 03/20/2007)

7-02-001-0011 INDUSTRIAL CLASSIFICATION:

- A. Each Industrial User shall be classified into one of the following categories as designated by the Code of Federal Regulations [40 CFR 403.3](#) (t) [1](#) & [2](#).
 1. Significant - defined as any industry that:
 - a. Is subject to categorical standards as defined by [40 CFR 403.6](#) and [40 CFR Chapter I, Subchapter N](#).
 - b. Discharges an average process wastestream of 25,000 gallons per day (0.025mgd) or more to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater.)
 - c. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the POTW.

- d. Has a reasonable potential, in the opinion of the Utilities Director, to adversely affect the POTW's operation or for violating any pretreatment standard or requirement in accordance with [40 CFR 403.8](#) (f) (6) or this ordinance.
2. The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under §403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical 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:
- (i) The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - (ii) The Industrial User annually submits the certification statement required in §403.12(q) together with any additional information necessary to support the certification statement; and
 - (iii) The Industrial User never discharges any untreated concentrated wastewater.
- ~~32. Minor – Those industries that by themselves do not significantly impact the treatment system, degrade receiving water quality, or contaminate sludge. Industries that have the potential to discharge a nondomestic or process wastestream, but at the present time discharge only sanitary waste, may also be included in this group.~~
- B. The City will notify all users of Federal and local requirements which may be applicable to them. Significant Industrial Users shall receive a copy of:
- 1. This chapter
 - 2. Applicable parts of the U.S. Code of Federal Regulations
 - 3. An application for an Industrial Wastewater Discharge Permit
 - 4. Applicable Categorical Standards
 - 5. Any other pertinent materials
 - +6. Any changes in Federal or local requirements as they occur
- C. The Industrial User may request certification of its Industrial User Classification from the EPA according to [40 CFR 403.6](#) (a). The Industrial User may request variation from Federal Categorical Standards according to [40 CFR 403.13](#) and the Clean Water Act. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Rep & ReEn, 05/07/91)

7-02-001-0012 INDUSTRIAL SELF-MONITORING:

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

- B. Sampling and analysis must be performed by Significant Industrial Users, at their own expense, at least twice each year, in two separate quarters, (April -June and October - December), and results of such sampling submitted to the City before the last day of each respective quarter or as directed by the City. The City may perform such sampling for the Significant Industrial User if they so choose.

If any sample that is taken by the Industrial User or the City is not within the limits of this Chapter or the categorical standards, then the Industrial User, or the City if they so choose, shall repeat the sampling within 30 days of becoming aware of the violation or more often if it is determined to be necessary by the City.

- C. A minimum of four (4) grab samples, pulled at least every two hours, must be used when sampling for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow proportional composite sampling techniques, where feasible. The City may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. Sampling must be performed for 5 consecutive days and be ~~which are~~ representative of the effluent being discharged on a typical production day, or as directed by the City.
- D. The flow must be measured by the Industrial User at the time that the sample is taken, according to [40 CFR 403.12](#) and section 7-2-43 of this Ordinance.
- E. The methods of sampling must be performed in accordance with [40 CFR 136](#) and any other applicable federal, state, or local requirements and the sampling location and type approved by the City. An authorized representative of the Industry (see section 7-2-14) shall sign and submit with these sample results, a statement verifying the validity of the methods and location.
- F. All records of sampling, analysis and flows must be kept by the Industrial User and the City for at least three (3) years. All records must be available to the City. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Enacted, 05/07/91)

7-02-001-0013 REPORTING REQUIREMENTS:

- A. Within 180 days of the promulgation by the EPA of a categorical standard or within 180 days of a final administrative decision, the Industrial Users that are subject to the standard must report the information provided for in [40 CFR 403.12](#) (b). This information must also be supplied by existing sources of discharge as well as new sources that discharge after the standards have been promulgated.
- B. All Industrial Users must immediately report to the Utilities Division or to the Wildcat Hill Wastewater Treatment Plant any discharge, including accidental discharge, which contains a slug load, a prohibited substance, or any substance which might be harmful to the POTW, the collection system, the environment or to any person.
- C. The Industrial User must provide a written report (separate from the immediate report) within five (5) days of the detection of the upset. The report must include the nature and volume of the discharge, the period of noncompliance including exact dates and time or if not corrected the anticipated time the upset is expected to continue, the action being taken by the Industrial User to correct the problem and preventive measures needed to avoid future spills.
- D. The Significant Industrial user shall report to the City immediately any significant changes in production, including, but not limited to, production rate, product, raw materials utilized, rate of discharge, concentration of pollutants being discharged, etc.
- E. If in the course of self-monitoring, a Categorical Industrial User becomes aware of a violation of their Categorical limits, they shall notify the City within 24 hours of becoming aware of such.

- F. If an Industrial User subject to reporting requirements of this section monitors any pollutant more frequently than required by the City, using the procedures prescribed in Section 7-2-12 of this Chapter, the results of this monitoring shall be submitted to the City also.
- G. All Industrial Users shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing and within 180 days of any discharge into the POTW of a substance, which, if otherwise disposed of would be a hazardous waste under [40 CFR](#) part [261](#) as required in [40 CFR 403.12\(p\)](#) (1) through (4). (Ord. 1693, 5/7/91)

(Ord. No. 1693, Enacted, 05/07/91)

7-02-001-0014 SIGNATORY REQUIREMENTS:

- A. The reports required by this Chapter must be signed as follows:
1. By a responsible corporate officer, if the Industrial User submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - a. 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
 - b. the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 2. By a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship respectively.
 3. By a duly authorized representative of the individual designated in paragraph 1 of this section if:
 - a. The authorization is made in writing by the individual described in paragraph 1;
 - b. 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
 - c. the written authorization is submitted to the City of Flagstaff, Utilities Division.
 4. If an authorization under paragraph 3 of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of paragraph 3 of this section must be submitted to the City of Flagstaff Utilities Division prior to or together with any reports to be signed by an authorized representative. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Rep & Re En, 05/07/91)

7-02-001-0015 CONFIDENTIALITY OF BUSINESS INFORMATION:

- A. Any information, except effluent data as defined by [40 CFR 2.302](#), submitted to the City of Flagstaff pursuant to this Chapter, may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission by stamping the words "CONFIDENTIAL BUSINESS

INFORMATION" on each page containing such information. If no claim is made at the time of submission, the City may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in [40 CFR Part 2](#) (Public Information).

- B. For the purposes of this section "effluent data" shall be defined as:
1. Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of any pollutant which has been discharged by the source (or of any pollutant resulting from any discharge from the source), or any combination of the foregoing;
 2. information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of the pollutants which, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purpose, a description of the manner or rate of operation of the source); and
 3. a general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).
- C. For the purposes of this section, the following shall be considered to be "effluent data" only to the extent necessary to allow the regulatory agency having jurisdiction to disclose publicly that a source is (or is not) in compliance with an applicable standard or limitation, or to allow such regulatory authority to demonstrate the feasibility, practicability, or attainability (or lack thereof) of an existing or proposed standard or limitation:
1. Information concerning research, or the results of research, on any product, method, device, or installation (or any component thereof) which was produced, developed, installed, and used only for research purposes; and
 2. Information concerning any product, method, device, or installation (or any component thereof) designed and intended to be marketed or used commercially but not yet so marketed or used. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Rep & Re En, 05/07/91)

7-02-001-0016 INTERCEPTORS; TYPE, CAPACITY, LOCATION, MAINTENANCE

- A. A City approved interceptor is required for any business whose discharge can be determined by the City to interfere with the POTW or the wastewater collection system. If a blockage is found in the collection system and it can be determined by the City to be caused by a particular user's discharge, then the City can require the user to install a City approved interceptor, at the user's expense, to catch the substance causing the blockage. If any interceptor is determined by the City to be inadequate in size or design, the City may require the user to install or upgrade such interceptor at the user's expense.
- B. A City approved grease interceptor is required for any restaurant or other business that performs cooking. Grease interceptor sizing is to be as provided in the UNIFORM BUILDING CODE, APPENDIX H4 with the minimum size for such interceptors required for restaurants to be seventy ~~forty~~ (70 ~~40~~) pounds. All piping from sinks, floor drains, kettles, dishwashing machines, etc. into which grease may be disposed must be connected through such interceptor. Grease interceptors may not be installed in any part of a building where food is handled. (Ord. 1876, 06/20/95)

An exemption of the minimum grease trap sizing will be considered for business based on type of food preparation that is done on site. This exemption must be approved by the Industrial Waste Division and the Utilities Director. The business must serve food that is commonly known to be low in potential

grease generation and the waste stream discharge must produce less than 100 mg/1 of oil and grease as determined by the City. After an exemption is granted to a business, if the business changes food service, generates greater than 100 mg/1 of oil and grease, or causes an interference or blockage to the sewer collection system due to grease, the business will be required to install a properly sized grease trap in accordance with Flagstaff City Code, Section [7-02-001-0016\(A\)](#). (Ord. 1896, 11/21/95)

- C. A City approved oil interceptor is required for any business that performs automotive repairs or service. (See standard drawing for size and other specifications)
- D. A City approved lint interceptor is required for any business with six (6) or more residential size washing machines or any amount of industrial size washing machines. An industrial size washing machine is one that has a tub 3.5 cubic feet or larger and/or an American Household Appliance Manufacturers Association ("AHAMA") capacity of 25 pounds or more. Residential machines will be any washing machine with less capacity than industrial machines. (See standard drawing for lint interceptor size and other specifications.)
- E. A City approved sand interceptor is required for any business with facilities for washing vehicles. (See standard drawing for size and other specifications)
- F. All interceptors shall be of a type and capacity approved by the Director of Utilities and shall be located so as to be readily and easily accessible for cleaning and inspection.
- G. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers. When bolted covers are required they shall be gastight and watertight.
- H. Where installed, all interceptors shall be maintained by the owner and/or user at his or her own expense. The interceptor must be kept in continuously efficient operation at all times and a written record of maintenance performed on such interceptor shall be kept by the user on a form provided by the City.
- I. The City shall periodically inspect such interceptors and/or records to insure they are being kept in efficient operation. A cleaning schedule will be set by the City if it is necessary to prevent the entry of harmful substances into the collection system. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Rep & Re En, 05/07/91; Ord. No. 1876, Amended, 06/20/95; Ord. No. 1896, Amended, 11/21/95)
(Ord. 2000-23, Amended, 10/03/2000)

7-02-001-0017 CONTROL MANHOLES:

When required by the Director of Utilities, the owner of any property served by a building sewer carrying potentially harmful or industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, measurement and sampling of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Director of Utilities. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. Users whose effluent must be treated before it enters the wastewater collection system or whose effluent may potentially contain any prohibited substance may be required to install a control manhole for sampling purposes. The manhole must be located so that a representative sample can be taken and there must be unobstructed access to the open flow in the manhole so that a grab sample can be taken and so that sampling equipment can be set up in the manhole.

7-02-001-0018 RIGHT OF ENTRY FOR INSPECTIONS AND MONITORING:

- A. Any authorized employee of the City Utilities Division shall, upon presentation of his credentials, have free access at all reasonable hours to any commercial or industrial premises connected to or disposing of any type waste to the City wastewater system for the purpose of surveillance and/or an inspection of the premises to determine the nature and quantity of wastes discharged to the City wastewater

system, or for examining or copying records, required by [40 CFR 403.12\(m\)](#). The Industrial User must make freely available to the City any and all records which would enable them to make an accurate determination of the constituents and flow of the User's wastestream. (Ord. 1693, 5-7-91)

- B. Servicemen, industrial waste inspectors, sanitary engineers, or other designated representatives of the Division, whose duty it may be to enter upon commercial or industrial premises to make inspections and collect samples or measure the quantity of wastes discharged to the City sewer, shall be provided with credentials to identify them as authorized representatives for the Utilities Division. (Ord. 1693, 5-7-91)
- C. No person, except an authorized employee of the Utilities Division shall have or exhibit any credentials of that Division. It shall be the responsibility of each employee or authorized representative of the Division, upon resignation or dismissal, to deliver and surrender at the office of the Director of Utilities all credentials of the Division in his/her possession. (Ord. 1693, 5-7-91)
- D. Questionnaires will be provided to all new businesses entering the City of Flagstaff to gather information pertaining to waste that may be generated by such. If any waste other than domestic is discharged from such an establishment, the City may perform an inspection of such premises at least annually or more often as necessary to determine it's status of compliance with this Chapter.
- E. The City of Flagstaff or it's designated representative shall have the authority to randomly sample Industrial User wastestreams and analyze for any pollutants that would be anticipated to be present for that particular user utilizing EPA approved methods. The City will review and analyze self-monitoring reports submitted by Industrial Users and make notification to such user of any compliance action to be taken as a result of such.
- F. The information from the City's inspection and monitoring activity will be available to the administrative authority of the State and/or EPA. This information will also be made available to the general public upon request with the exception of that information protected by Section [7-02-001-0015](#) of this Chapter. The City will maintain these records for a minimum of three years.
- G. The Industrial User shall be financially responsible for any sampling and analysis performed by the City which is not routine as provided for in this Chapter. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Amended, 05/07/91)

7-02-001-0019 PROVISION OF FALSE INFORMATION

- A. Reports, documents, questionnaires or any other information provided to the city as required by this Chapter by a commercial or industrial user shall be subject to:
 1. The provisions of [18 U.S.C. section 1001](#) relating to fraud and false statements.
 2. The provisions of sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification.
 3. The provisions of section 309(c) (6) of the Act regarding responsible corporate officers.
- B. Failure or refusal by the industrial user to provide information requested by the City as provided for in this Chapter will result in enforcement action being taken against such user. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Rep & Re En, 05/07/91)

7-02-001-0020 PUBLIC NOTIFICATION, DEFINITION OF SIGNIFICANT VIOLATION

- A. The City shall give notice of any decisions being made about the pretreatment program which may interest the public, special interest groups, or government agencies. Information about the operation or

requirements of the program will be given to any party which requests it. An advisory committee may be used for public information and input if there is an interest expressed in this.

- B. The City will publish in the largest local newspaper, at least once each year, a list of Industrial users who have not been in compliance with any substantial portion of this Chapter at any time during the previous year. For the purpose of this section, an Industrial User is in significant noncompliance if it's violation meets one or more of the following criteria:
1. Chronic violation of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
 2. technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
 3. any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
 4. any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of it's emergency authority to halt or prevent such a discharge;
 5. failure to meet within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
 6. failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 7. failure to accurately report noncompliance;
 8. any other violation or group of violations which City Utilities Director determines will adversely affect the efficient operation of the City Wastewater Treatment facilities or implementation of this Ordinance. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Rep & ReEn, 05/07/91)

7-02-001-0021 PROCEDURES FOR ENFORCEMENT

A. CITY ENFORCEMENT RESPONSE GUIDE

The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall at a minimum:

1. describe how the POTW will investigate instances of noncompliance;
2. describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
3. identify by title, the official(s) responsible for each type of response.

The City shall provide notification of such plan to all Significant Industrial Users upon determination of their status and any other Industrial Users by request.

B. Notification of Violation.

1. Whenever the Director finds that a user is in violation of any provision of these Wastewater Regulations, any part of a wastewater discharge permit issued pursuant to these Wastewater Regulations, or any order for corrective action or administrative order issued pursuant to these Wastewater Regulations, the Director shall serve or cause to be served upon such user, a written Notification of Violation (NOV). The NOV shall state the basis in fact for each alleged violation. The NOV may include, but shall not be limited to:

- a. An Order for Corrective Action;
- b. A schedule to attain compliance;
- c. An Order to Show Cause either in writing or in person;
- d. An Order to Cease Discharge;
- e. A suspension or revocation of the user's permit;
- f. An Order to Respond in Writing to the allegations.

Additional orders and changes to a suspension or revocation may follow the initial order at the discretion of the Director or as additional information becomes available.

C. Response to Notification of Violation. The user shall respond to the NOV in writing to the Director within the specified time frame. In no instance shall an initial response to the NOV be due any later than ten days from receipt of the NOV by the user. The response shall be complete, containing all information and data required by the NOV.

If the response to the NOV requires an Order to Show Cause, the user shall respond by demonstrating why the Director should not ask the Flagstaff City Attorney to file a civil action in superior court requesting injunctive relief and penalties, or a criminal misdemeanor action in city court.

D. Resolution of Notification of Violation. Upon review of a response to the NOV, the Director may accept the response as complete and satisfactory. If this is the case, the Director shall consider the issue regarding the NOV closed. The Director shall notify the user in writing regarding the closure of the NOV. The closure of the NOV shall not preclude further enforcement action.

E. Deficient Response to Notification of Violation. Upon review of a response to the NOV, the Director may determine the response to be deficient. In the event of a deficient response, the Director may take, but shall not be limited to taking, the following actions: require the submittal of any non-submitted or incomplete information; suspend or revoke the user's permit; order the user to cease discharge; and/or seek any penalties applicable to the alleged violations.

F. COMPLIANCE SCHEDULE FOR INDUSTRIAL USERS

1. A compliance schedule will be set for Industrial Users that do not meet the standards of the Code of Federal Regulations, applicable state regulations or this Chapter. Final determination on compliance dates will be made by the City Utilities Director.
2. Industrial Users who do not agree to a compliance schedule with the City of Flagstaff may be subject to discontinuance of their water and/or sewer service as provided for in this chapter.

G. EFFECTS OF AN UPSET

An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the Industrial User can demonstrate through properly signed contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the Industrial User can identify the specific cause(s) of the Upset;
2. the facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
3. the Industrial User has submitted the reports required in Section [7-02-001-0013](#) of this Chapter in a timely manner.

H. Judicial proceedings.

Initiation of Legal Action. Whenever the Director finds that a user has violated any of the provisions of these Wastewater Regulations, the Director may ask the Flagstaff City Attorney to take appropriate legal action. This legal action may include, but shall not be limited to, the following:

1. Prohibitive injunctions;
2. Mandatory injunctions for corrective action and cleanup;
3. Civil penalties pursuant to A.R.S. Section [49-391](#) and these Wastewater Regulations;
4. Criminal misdemeanor penalties pursuant to A.R.S. Section [9-240](#) (28), Section 13-802, and Section 13-707;
5. Recovery of damages from costs to the POTW.

I. Civil Penalties for Violation.

1. The civil penalties for violation of any specific pollutant limit set forth in these Wastewater Regulations, or in any permit issued pursuant to these Wastewater Regulations, shall not exceed twenty-five thousand dollars (\$25,000) for each violation. Each day that a specific pollutant limit ~~exceedance~~exceedence occurs may constitute a separate violation.
2. The civil penalties for non-submittal of any reports, or for noncompliance with any reporting, sampling, monitoring, or documenting requirements set forth in these Wastewater Regulations, or in any permit issued pursuant to these Wastewater Regulations, shall not exceed one thousand dollars (\$1,000) for each business day (weekends and holidays excluded) that such non-submittal or noncompliance occurs.
3. The civil penalties for failure to maintain such equipment as may be necessary to conduct any wastewater self-monitoring required by these Wastewater Regulations, or by any permit issued pursuant to these Wastewater Regulations, shall not exceed five hundred dollars (\$500) per business day for each day that such failure continues; provided, however, that the Director may, in his sole discretion, waive any penalty under this Subsection 3 for any instance in which failure to maintain such equipment results in a violation for which the user is subject to a surcharge under Sections 0038.H and 0039.C and/or a penalty under Subsection 1 of this Section 0021 of these Wastewater Regulations.

J. DISCONTINUANCE OF SERVICE FOR INDUSTRIAL USER NONCOMPLIANCE

1. For hazardous discharges: The violation of any section of this Chapter shall be sufficient cause for the City to discontinue, after informal notice (phone call), water or sewer service to any premise that appears to present an imminent endangerment to the health and welfare of persons or the POTW.

2. For instances of noncompliance other than hazardous discharges: The City will provide written notice to the Industrial User, by certified, return receipt requested mail, at least 24 hours in advance and provide the industry with an opportunity to respond before proceeding with discontinuance of water or sewer service.
3. Such service shall not be restored until the violations have been discontinued or eliminated and the City may undertake any legal proceedings as may be necessary to halt, enjoin or punish the illegal discharge.
4. The User shall be responsible for any expenses the City may incur as a result of handling or eliminating any illegal discharge, for reasonable attorney's fees or for any damages resulting from such discharge. (Ord. 1693, 5-7-91)

K. PAYMENT OF SURCHARGES AND PENALTIES

All surcharges and penalties levied under this Chapter shall be due and payable in the same manner and within the same time as other charges under this Chapter in accordance with Section 0045 hereof.

L. AUTHORITY TO DISREGARD SAMPLES

In any circumstance in which clear and convincing evidence demonstrates, to the satisfaction of the Director, that one or more effluent samples or analyses thereof taken or performed by or for an Industrial User, as required by Section 0012 of this Chapter and/or such User's wastewater discharge permit or compliance schedule, is not accurate or representative of such User's discharge, then the Director or his designee may, but shall not be required to, disregard such sample(s) or analysis(es) for purposes of determining any surcharge or penalty imposed by this Chapter, provided that such action by the Director (or designee) does not contravene any state or federal law, rule or regulation. The foregoing authorization of the Director to disregard samples or analyses shall (1) create no independent right in any Industrial User, and (2) be exercised, if at all, in the sole discretion of the Director. Any determination made by the Director hereunder shall be final.

M. AUTHORITY TO CREDIT PRETREATMENT EXPENDITURES

Notwithstanding any other provision of this Chapter, the Director may, but shall not be required to, allow a credit against, or grant a rebate of, any surcharge or penalty imposed under this Chapter for violation of any pretreatment standards, for up to sixty percent (60%) of such substantiated expenditures made within one (1) year of such violation for improvement of the Industrial User's pretreatment facilities as the Director, in his sole discretion, shall determine as appropriate and likely to correct or ameliorate the violation giving rise to such surcharge or penalty. The foregoing authorization of the Director to credit pretreatment expenditures or grant rebates therefor shall:

1. not apply to any surcharge or penalty resulting from a violation of pretreatment standards that causes
 - a. a pass-through or interference at the POTW,
 - b. a violation of any requirement of the POTW's NPDES permit, or
 - c. an endangerment of the health or safety of POTW personnel or the general public;
2. create no independent right in any Industrial User;
3. be exercised, if at all, only upon a written request of the Industrial User filed within one (1) year of the subject violation; and
4. be exercised, if at all, in the sole discretion of the Director (and/or the Water Commission, if the matter is appealed under Subsection (N) hereof). Any determination made by the Director

hereunder shall be final, subject only to review and other disposition by the Water Commission, if the matter is appealed under Subsection (N) hereof.

N. PROTEST AND APPEAL OF PENALTIES AND SURCHARGES

1. An Industrial User may informally discuss any proposed surcharge or penalty with the Director at any time either before or after the assessment of the same, but any such informal conference is not required for the Industrial User to file a protest and request for an appeal hereunder.
2. At any time within thirty (30) days of the assessment of any surcharge or penalty hereunder, the Industrial User against whom the same is assessed may contest the applicability or amount of such surcharge or penalty, by filing with the Director a written protest and request for a hearing for redetermination of the same, either with payment of the surcharge or penalty or separately. Notwithstanding the foregoing, such protest and request for redetermination may be filed at any time within forty-five (45) days of the effective date of this Ordinance with respect to any penalty or surcharge assessment occurring within six (6) months of such effective date.
3. An Industrial User may request one extension for filing a protest from the Director. Such request must be in writing, state the reasons for the requested delay and time of delay requested, and be filed with the Director within the period allowed above for originally filing a protest. The Director shall allow the extension to file a protest when such written request has been properly and timely made by the Industrial User, but no such extension shall exceed forty five (45) days beyond the time provided for originally filing a protest.
4. Any payment of surcharge or penalty hereunder not accompanied or preceded by a protest and request for hearing, or otherwise clearly designated as being paid under protest and followed by a timely-filed written protest, shall be accepted by the City and credited to the User as though not made under protest.
5. The Industrial User's protest shall set forth the reasons why any correction, abatement, or refund should be granted, and the amount of abatement or refund requested. The User's protest may be amended by written notice to the Director, or during the hearing, at any time prior to the time the User rests its case at the hearing. The Director shall be provided with a reasonable period of time to review and respond to the petition and any amendments thereto, which may require adjournment if amendments are made at the hearing.
6. The Director shall forward all timely received protests to the City's Water Commission within thirty (30) days of receipt. If the Water Commission shall determine that the User's protest is not in proper form, the Water Commission may, at its discretion, grant the User an extension of up to thirty (30) days to correct its protest.
7. All protests shall be heard by the City's Water Commission, according to its usual rules of procedure, and shall be continuous until the Water Commission closes the record. The User may be heard in person or by its authorized representative at such hearing. Hearings shall be conducted informally as to the order of proceeding and presentation of evidence. The Water Commission shall admit evidence over hearsay objections where the offered evidence has substantial probative value and reliability. Further, copies of records and documents prepared in the ordinary course of business may be admitted, without objection as to foundation, but subject to argument as to weight, admissibility, and authenticity. Summary business records may be admitted subject to satisfactory proof of the reliability of the summaries. In all cases, the decision of the Water Commission shall be made solely upon substantial and reliable evidence presented with the User's protest or at the hearing. All expenses incurred in the hearing shall be paid by the party incurring the same.
8. In its determination of an appeal hereunder, the Water Commission may (but shall not be required to) rebate or refund any amount of surcharge and/or penalty imposed under this Chapter, in consideration of the User's pretreatment expenditures in accordance with

Subsection (M) hereof or otherwise, as it shall decide would best serve the interests of equity and protection of public health and safety.

9. The Water Commission shall issue its ruling not later than forty-five (45) days after the close of the record thereon. Any refund of surcharges or penalties ordered by the Water Commission pursuant to a hearing hereunder shall be made within thirty (30) days of the Water Commission's order therefor, or at such later date as the Water Commission shall provide in its order.
10. No filing of any protest, request or grant of any extension, or pendency of any hearing hereunder shall relieve any Industrial User of any payment or other obligation of the Industrial User resulting from any violation or alleged violation of any provision of this Chapter.

NOTE: City should not relieve, set aside, or redistribute an industry's penalty, fine, or surcharge, where it is imposed for actual violations of the City's ordinance. If the industry can show that the allegations against it are invalid, the penalty, fine, or surcharge could be dismissed.

(Ord. 1950, 08/05/97); (Ord. No. 1693, Rep & ReEn, 05/07/91; Ord. No. 1950, Revised, 08/05/97) (Ord. 2002-08, Amended, 07/16/2002)

7-02-001-0022 PUBLIC RECLAIMED WASTEWATER PIPELINE AND SEWER EXTENSIONS; APPROVAL BY CITY ENGINEER:

No public reclaimed wastewater pipeline or public sewer extension shall be made until the plans and specifications are approved by the City Engineer. Public reclaimed wastewater pipeline and public sewer extensions shall be constructed in accordance with standards and specifications as set forth in the City of Flagstaff General Construction Standards and Specifications. Such document is on file in the office of the City Engineer. (Ord. 1723, 4/7/92)

(Ord. No. 1723, Amended, 04/07/92)

7-02-001-0023 CONSTRUCTION AND OWNERSHIP OF PUBLIC RECLAIMED WASTEWATER PIPELINES, PUBLIC SEWER LINES AND OTHER EQUIPMENT MAINTAINED BY UTILITIES DIVISION

- A. In new subdivisions and developments where public sewers are authorized by the City, such public sewers shall be constructed at the developer's expense. Detailed plans and specifications for public sewer extensions must be approved by the City Engineer prior to construction. The engineering cost for the preparation of plans and specifications, the staking of the location of the new public sewers, the cost of inspecting the construction, the preparation of as-built plans and the cost of easements shall be assumed by the developer. The City will perform the inspection during construction at the developer's expense.
- B. 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 Utilities Division 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.
- C. Where extensions of public reclaimed wastewater pipelines are authorized by the City, such pipelines shall be constructed at the reuser's expense. Detailed plans and specifications for public reclaimed wastewater pipeline extensions shall be approved by the City Engineer prior to construction. The engineering cost for the preparation of the plans and specifications, the staking of the location of the new reclaimed wastewater pipeline, the cost of inspecting the construction, the preparation of as-built plans and the cost of easements shall be assumed by the reuser. The City will perform the inspection during construction at the reuser's expense. (Ord. 1723, 4/7/92)
- D. The ownership of all public reclaimed wastewater pipelines, pumping stations, treatment facilities, equipment and other appurtenances to the reclaimed wastewater system maintained, or accepted for maintenance by the City 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 (Ord. 1723, 4/7/92); (Ord. No. 1723, Amended, 04/07/92)

7-02-001-0024 PUBLIC RECLAIMED WATER PIPELINE EXTENSION AND CONVERSION POLICY FOR REUSERS

- A. Definitions: For the purpose of this Section, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicates otherwise:

REUSER: Any person or persons requesting or required to connect to the reclaimed water system of the City for any residential or nonresidential use, use where potable water quality is not required by City, State, or Federal Regulations.

POINT OF DELIVERY: A location designated by the City for acceptance and measuring of the reclaimed water by the reuser. The point of delivery shall include a vault, pit, meter, valves, and other appurtenances necessary to meter reclaimed water to the reuser.

RECLAIMED WATER AGREEMENT: A written agreement between the reclaimed water reuser and the Division for connection to an existing public reclaimed water pipeline, approved and executed in the name of the Division by the City's Utilities Director.

REIMBURSEMENT AGREEMENT FOR RECLAIMED WATER: A written agreement between the reclaimed water reuser and the City for reimbursement of the reuser's costs incurred in providing for the extension of, and connection to, a public reclaimed water pipeline, approved by the City Council and executed in the name of the City by the Mayor.

CONVERSION AGREEMENT FOR RECLAIMED WATER: A written agreement between the City and the reclaimed water reuser for reimbursement of the City's costs incurred in converting the reuser's potable water system to a reclaimed water system, by the extension of, and connection to, a public reclaimed water pipeline, approved by the City Council and executed in the name of the City by the Mayor.

- B. Plans and Specifications for Public Reclaimed Water Pipeline Extensions: A reuser who wishes to extend or install reclaimed water facilities must employ an engineer, registered in Arizona, to perform the field engineering and prepare detailed plans and specifications for the extension in accordance with good engineering practice, and adopted general construction standards and specifications of the City and regulations of the Arizona Department of Environmental Quality for the reuse of water. The final detailed plans and specifications for the reclaimed water pipeline extension shall be approved by the City Engineer before construction begins.
- C. Costs of Extensions and Conversions: The reuser causing an extension of a public reclaimed water pipeline, conversion of an existing irrigation system to reclaimed water, and the construction of the point of delivery shall pay in full for the rights of way and easements, the purchase, construction and installation of the reclaimed water pipeline, and all other costs of the extension and/or conversion. However, the City reserves the right to increase the diameter of the extension through cash or a reimbursement agreement.
- D. Recovery of Costs of Extensions and Conversions: Subject to City approval, reusers may recover costs incurred from converting an existing irrigation system to use reclaimed wastewater or from extending public reclaimed water pipelines in accordance with paragraph (c) of this Section. Recovery of costs shall be in the form of a rebate amounting to ten percent per year of said costs for a period of ten years. Rebates shall be paid to the reuser at the end of each full calendar year of reclaimed water usage. The total amount of the allowable costs to be recovered shall be agreed to prior to the reuser obtaining reclaimed water and shall be in the form of a written agreement between the City and the reuser. No interest shall be paid to the reuser on the costs being recovered.
- E. Replacement and/or Repair: All persons or other entities who create, cause to be built, or build any such extensions of services as contemplated herein or convert existing irrigation systems to use

reclaimed water, shall also pay for any and all such replacements as becomes necessary as a direct or indirect result of the creation, building or construction of such extensions and/or conversions. For example, repairs or replacements of sidewalks, paving or other utilities damaged or disturbed during the building of reclaimed water pipeline extensions and/or conversions. Costs of said replacements and /or repairs may be included in the costs incurred from paragraph (D) of this Section.

F. Reimbursement Agreement Between City and Reuser: Before the reuser incurs any costs in the extension of any public reclaimed water pipeline to provide service for any individual or property, the reuser desiring such service shall execute a Reimbursement Agreement for Reclaimed Water with the City which shall include the following:

1. A warranty of workmanship and materials for public reclaimed water pipelines and facilities installed which shall run to the benefit of the City for a period of at least one year from the date of acceptance by the city.
2. A diagram of all property which will be served by the reclaimed water pipeline to be installed and an irrigation plan for the property.
3. A statement that the City acquires ownership of public reclaimed water pipelines, appurtenances, and easements upon completion and acceptance by the City.
4. The regulations for reuse of reclaimed water, quantity, quality, and cost of the reclaimed water.
5. The terms for cost recovery by the reuser of reclaimed water pipeline extension and/or conversion costs if applicable.

G. Conversion Agreement Between City and Reuser: Before the City incurs any costs in the extension of any public reclaimed water pipeline needed to convert a reuser's private, potable water system to a reclaimed water system, the City and the reuser shall execute a Conversion Agreement for Reclaimed Water. Conversion agreements are subject to City approval and limited to projects that provide a 'net present value' cost recovery to the City within ten (10) years. Net present value shall be determined by the estimated cost of the project and the current prime interest rate. Recovery of costs shall be in the form of billing for consumption of reclaimed water at 75% of the reuser's present potable water rate. Recovery of costs estimates shall be based on consumption history as determined by the City, or on an engineered estimate in the case of new sites. The availability of Conversion Agreements shall always be subject to budgetary constraint. Conversion Agreements shall include, but not necessarily be limited to, the following:

1. Place of Use
2. Quality Standards
3. Point of Delivery
4. Commodity Rate
5. Costs to City
6. Costs to User
7. Compliance with Regulations
8. Commencement of Service
9. Termination of Service
10. Resale of Reclaimed Water
11. Inspection

H. Penalty: Any person who excavates or causes an extension to be made for the purpose of laying any reclaimed water pipeline in public streets, alleyways or upon the property of the City without first complying with the provisions hereof, shall be subject to a fine of not less than two hundred dollars (\$200.00) nor more than three hundred dollars (\$300.00). A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. (Ord. 1723, 4/7/92)

- I. The City's Utilities Director shall approve, execute and enforce Reclaimed Water Agreements, for the purpose of expanding the reclaimed water program to all residential and nonresidential reusers located adjacent to existing public reclaimed water pipelines.
- J. Reclaimed Water Agreement Between the Division and the Reuser: Before connecting to an existing public reclaimed water pipeline, the reuser requesting such connection shall execute a Reclaimed Water Agreement with the Division which shall include, but not necessarily be limited to, the following:
1. Place of Use
 2. Quality Standards
 3. Point of Delivery
 4. Commodity Rate
 5. Costs to User
 6. Compliance with Regulations
 7. Commencement of Service
 8. Termination of Service
 9. Resale of Reclaimed Water
 10. Inspection

(Ord. No. 1723, Rep&ReEn, 04/07/92) (Ord. 2002-07, Amended, 07/16/2002)

7-02-001-0025 MAIN SEWER EXTENSION POLICY FOR AREAS BEYOND PRESENT CITY TRUNK LINES

- A. Definitions: For the purpose of this Section, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicates otherwise:

DEVELOPER-OWNER: Any person or persons requesting or required to connect to the sewer system of the City in developing one or more parcels of land. The term includes subdividers, industrial developers, private property owners, companies and legally constituted improvement districts who improve or serve with sewers, platted or unplatted property.

CITY: The word "City" shall mean the City of Flagstaff in the County of Coconino and the State of Arizona, except as otherwise indicated.

SEWER LINES includes:

1. **LATERAL SEWER:** A sewer which discharges into a branch or other sewer and has not other common sewer tributary to it.
 2. **BRANCH SEWER:** An arbitrary term for a sewer which receives sewage from lateral sewers from a relatively small area.
 3. **MAIN SEWER:** A sewer which receives sewage from one or more branch sewers as tributaries.
 4. **TRUNK SEWER:** A sewer which receives sewage from many tributary main sewers, and serves as an outlet for a large territory. (Ord. 1104, 1 2-4-79)
- B. Plans and Size of Sewer Line Extensions: A developer-owner who wishes to extend or install sewer facilities must employ an engineer, registered in Arizona, to perform the field engineering and prepare detailed plans and specifications for the sewer extension in accordance with good engineering practice, and adopted standards set forth in the Uniform Building Code (current adopted edition), Uniform Fire Code (current adopted edition), general construction standards and specifications of the City, current subdivision regulations, general land use plan currently adopted, and any applicable State health regulations and any applicable City code requirements or standards. The final detailed plans and specifications for the sewer extensions must be approved by the City Engineer before construction begins. (Ord. 1112, 2-4-80)

- C. **Costs of Extension:** The developer-owner causing an extension of sewer line shall pay in full for the rights of way and easements, the purchase, construction and installation of the sewer lines, and all other costs of extension. However, the City reserves the right to increase the diameter of the extension, if it is deemed advisable, and the City may participate in the oversizing costs, through cash or a reimbursement agreement.
- D. **Replacement of Repair:** All persons or other entities who create, cause to be built, or build any such extensions of any such services as contemplated herein, shall also pay for any and all such replacements as becomes necessary as a direct or indirect result of the creation, building or construction of such extensions. For example, repairs or replacement of sidewalks, paving or other utilities damaged or disturbed during the building of sewer line extensions. (Ord. 1104, 12-4-79)
- E. **Agreement between City and Developer-Owner:** Before the extension of any sewer line shall be made to serve a subdivision, platted or unplatted property, to provide service for any individual or unplatted property, the developer-owner desiring such service shall execute an agreement with the City which shall include the following: (Ord. 1112, 2-4-80)
1. A warranty of workmanship and materials for sewer lines and facilities installed which shall run to the benefit of the City for a period of at least one year from the date of acceptance by the City.
 2. A diagram of all property which may be served by any sewer line to be installed.
 3. A statement that the City acquires ownership of sewer line appurtenances and easements upon completion and acceptance of the work by the City.
 4. A statement of the developer-owner's proportionate share of the cost for previously installed sewer lines if any reimbursement agreements are in existence concerning the sewer line.
- F. **Penalty:** Repealed. (Ord. 1642, 11/7/89)

(Ord. No. 1642, Amended, 11/07/89)

7-02-001-0026 PRIVATE SEWERAGE SYSTEMS; CONSTRUCTION AND MAINTENANCE WITHIN THE CITY PROHIBITED GENERALLY

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 sewage.

7-02-001-0027 PRIVATE SEWERAGE SYSTEMS; WHEN PERMITTED, TO BE CONSTRUCTED AND MAINTAINED IN SANITARY MANNER

Where in 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 sewage disposal system, complying with the provisions and recommendations of the Arizona Department of Health Services and the sanitary code of the County Health Department. Such private sewage disposal system shall be constructed, maintained, and operated at all times in a sanitary manner.

7-02-001-0028 PRIVATE SEWERAGE SYSTEMS; DISCONTINUANCE

At such time as a public sewer becomes available to property served by a private sewage disposal system, a direct connection shall be made to the public sewer in accordance with the provisions of this Article and any septic tank, cesspool or similar private sewage disposal facilities shall be abandoned and filled with suitable material within ninety (90) days of the aforesaid connection.

7-02-001-0029 PRIVATE SEWERAGE SYSTEMS; AUTHORITY OF DIRECTOR OF HEALTH DEPARTMENT

No statement contained in the preceding two (2) sections shall be construed to interfere with any additional requirements that may be imposed by the Health Departments of the State and County.

7-02-001-0030 PERMIT REQUIRED

No unauthorized person shall uncover, 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 Engineering Section.

7-02-001-0031 APPLICATION FOR BUILDING CONNECTION:

Each person desiring a building connection shall make application to the Finance Section. All applications for building connections to be constructed by Utilities Division shall be accompanied by the current fee for such work. (Ord. 1104, 1 2-4-79)

7-02-001-0032 DIRECTOR OF UTILITIES TO APPROVE DESIGN NUMBER, LOCATION, SIZE AND CONSTRUCTION OF BUILDING CONNECTIONS:

The design, number, location, manner of connection and size of all building connections shall be subject to the approval of the Utilities Director. The Division will install all building connections less than eight inches (8") in diameter, except as provided elsewhere in this Chapter. All building connections eight inches (8") in diameter or larger shall be installed by a private contractor at the property owner's expense. Building connections shall be installed on lateral branch and main sewers only, unless specifically authorized and approved by the Utilities Director. All building connections shall be constructed in accordance with standards and specifications on file in the Engineering Section. (Ord.1112, 2-4-80)

7-02-001-0033 SPECIAL PROVISIONS FOR INSTALLING BUILDING CONNECTIONS IN NEW SUBDIVISIONS AND DEVELOPMENTS:

In new subdivisions or developments where public sewer extensions are authorized by the City and constructed at the developer's expense, the City may authorize the developer or his agent, if he so desires, to install building connections with "wyes" and connect the building sewers to the building connection under the following provisions: (Ord. 1104, 12-4-79)

- A. construction of the public sewer, building connections, and connections of the building sewers to the building connection shall be under the supervision of a registered engineer holding registration in the State, who shall submit "as built transparency plans", bearing the registered engineer's registration seal and number, to the Engineering Section. It shall be the duty of the developer to require that all building connections, serving lots in the development upon which no buildings are constructed, be effectively sealed until such time as buildings will be constructed on the lots left vacant. Such sealed connections shall be inspected and approved by the City Engineer before being backfilled and shall be designated for location on the "as built plans". The effective seal shall consist of a vitrified clay stopper inserted in the bell of the sewer extending to the property line from the public sewer; such stopper shall be jointed according to the standard details on file in the Engineering Section. (Ord. 1112, 2-4-80)
 - B. Before any building sewer construction is commenced, plumbing permits must be obtained by the developer or his agent from the Building Official. (Ord. 1104, 12-4-79)
 - C. When the "as built plans" are prepared by the Engineering Section, a record of the building connections will be made.
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7-02-001-0034 RECORDS TO BE KEPT BY ENGINEERING SECTION

The Engineering Section shall keep a record of all building connections made, the purpose for which they are to be used. (Ord. 1112, 2-4-80)

7-02-001-0035 SEWER TAP FEE

Each person, firm or corporation requesting a sewer tap to be installed by the City shall pay the fee as hereby established:

Four inch (4") sewer tap \$ 275.00

Six inch (6") sewer tap \$275.00 (Ord. 1681, 12/4/90)

Procedures for Owner/Contractor:

Owner/contractor shall pay buy-in charges if applicable.

Owner/contractor shall obtain a permit from the Engineering Section and pay a permit fee before starting excavation,

When notified by the Flagstaff Blue Stake Center, City Utilities Division personnel will locate the sewer main for owner/contractor.

Owner/contractor excavates site and shores trench if necessary, shoring shall be determined by Utilities Division personnel.

Owner/contractor provides barricades, lights and traffic control as determined by the Engineering Inspector.

Wastewater collection personnel installs the saddle and makes the tap in the sewer main.

Owner/contractor installs building connection to the saddle and completes the connection.

Engineering Inspector inspects the owner/contractor's work and approves if work is completed satisfactorily.

Owner/contractor compacts and backfills trench, replaces pavement if necessary.

Final inspection is done by the Engineering Inspector.

Approval (permit sign-off) is made by the Engineering Inspector.

Owner/contractor shall not tap the main sewer at any time. (Ord. 1339, 11-20-84)

(Ord. No. 1681, Amended, 12/04/90)

7-02-001-0036 SEWER USER CHARGES

In order to provide for the protection of the public health, safety and welfare of the citizens of Flagstaff, a system of charges for sewerage use services is hereby established.

7-02-001-0037 THE COLLECTION OF USERS CHARGES SHALL BE UNDER THE DIRECTION OF THE CITY'S FINANCE DIRECTOR

The Finance Director is authorized to collect all user charges, industrial cost recovery charges and all other charges prescribed by this Chapter. (Ord. 1104, 12-4-79)

7-02-001-0038 RATE ESTABLISHMENT AND REVIEW PROCEDURE

- A. Rates established by ordinance of the City Council shall be based upon the City's determination of the cost of rendering sewerage services. The rates shall be established to provide for adequate funding for operation and maintenance of sewage works as required by the Environmental Protection Agency. The Council may also consider the funding of debt service, capital replacement, capital improvements and other costs through user charges.
- B. In addition to other pertinent factors deemed relevant by the City Council, the rate schedules adopted by the City Council may include the following cost factors:
 1. Appropriate indirect costs of the Division and other City divisions in rendering sewer related services such as purchasing, accounting, billing, administration, equipment maintenance, and other indirect costs.
 2. Annual debt service charge for the retirement of sanitary sewer bonds.

- C. Rate schedules shall distribute cost based upon the volume of wastewater discharged as well as BOD and SS of the wastewater discharged.
- D. The method to be used for determining user charges expressed in a formula is:

$$\text{Rate} = \frac{\text{Total Cost* of Flow}}{\text{Total Flow}} + \frac{\text{Total Cost* of BOD or COD}}{\text{Total BOD or COD}} + \frac{\text{Total Cost * of SS}}{\text{Total SS}}$$

User Charge = Rate X User's Units of Contribution
 *Cost = Operation and Maintenance plus Replacement Cost

The basis for the units of contribution shall consider volume (as determined by water meters or estimates).

(Ord. 1554, 3/1/88)

- E. Financial Management System. The user charge system shall include an adequate financial management system that will accurately account for O&M revenues and expenditures associated with the treatment works. The accounting system must segregate O&M revenue and expenditure from other wastewater revenue and expenditures to assure adequate revenue to properly operate and maintain the treatment works. All revenues collected for operation and maintenance (including replacement) shall be deposited in a separate fund. This fund shall have two accounts, one for O&M and one for replacement. (Ord. 1554, 3/1/88)
- F. Notification. All users of the system shall be notified at least annually in conjunction with a regular billing for sewage service as to:
 1. The rate schedule in effect.
 2. The part of user charges attributable to wastewater treatment services.
- G. Inconsistent Agreements. The user charge system shall take precedence over any terms or conditions of agreements or contracts between the City and users (including industrial users, special districts, other municipalities, or Federal agencies or installations) which are inconsistent with the requirements of section 204(b)(1)A) of the Clean Water Act and these regulations.
- H. Toxic Pollutants and Pollutants in Excess of Specified Limits. The user charge system shall provide that each user which discharges any toxic pollutants or others which cause an increase in the cost of managing the effluent or the sludge of the City's treatment works shall pay for such increased costs by the following formula:

$$\text{Total Cost* of Any Pollutant Surcharge} = \text{Total of Any Pollutant *Cost} = \text{Operation and Maintenance Plus Replacement Costs (Ord. 1554, 3/1/88)}$$

- I. Wastewater Treatment By-Products. All revenue from the sale of treatment related by-products shall be used to offset the cost of operation and maintenance. User charges shall be proportionally reduced for all users. Total annual revenues received from the sale of a by-product shall be credited to the treatment works O&M cost no later than the fiscal year immediately following their receipt. (Ord. 1554, 3/1/88)

(Ord. No. 1554, Amended, 03/01/88)



7-02-001-0039 SEWER USE CHARGES, CAPACITY CHARGES

The sewer user charges to be charged by the Finance Section to all users and to all others that have reasonable access to sewer mains is presented in the following schedule:
 The City Council may adjust these rate schedules as they deem necessary.

A. Sewer User Charges:

MONTHLY RATE PER 1,000 GALLONS OF WATER CONSUMPTION

The following monthly service rate shall be charged for customers receiving City of Flagstaff sewer service inside the limits of the City of Flagstaff: Sewer charges are based water consumption. Flat rate charge (dollars/1,000 gallons) for residential based on winter quarter average water use. Other customer classes based on actual water use (dollars/1,000 gallons).

Sewer only service customers will be charged a monthly service fee and sewer usage charge based on estimated water consumption as approved by the Utilities Director. If the Director determines that adequate water meter information is not available for billing a residential customer as described above, then the customer will be charged the average monthly billing for that user class.

Customer Classes	Monthly Rate				
	1/1/11	1/1/12	1/1/13	1/1/14	1/1/15
Residential:					
Single-family	3.08	3.59	3.69	3.80	3.80
Multiple and mobile home (per unit)	3.08	3.59	3.69	3.80	3.80
Non-Residential:					
Car Washes	3.06	3.56	3.70	3.82	3.82
Laundromats	3.14	3.65	3.80	3.91	3.92
Commercial	3.22	3.75	3.90	4.01	4.02
Hotels, motels	4.32	5.03	5.21	5.37	5.38
Restaurants	5.20	6.05	6.27	6.45	6.46
Industrial Laundries	4.77	5.55	5.76	5.93	5.94
Manufacturing Plants	3.46	4.02	4.18	4.31	4.32
Pet Food Manufacturers	7.64	8.89	9.19	9.47	9.48
Soft Drink Bottlers	6.05	7.04	7.29	7.50	7.51
Ice Cream Cone Manufacturers	9.46	11.02	11.38	11.72	11.73
Northern Arizona University	2.79	3.24	3.37	3.48	3.48
Waste haulers (charge per 1,000 gallons)	80.00				
Restaurant grease (charge per 100 gallons)	11.00				
Other treatment plant sludge (charge per 100 gallons)	8.00				
Mud sump waste (charge per 100 gallons)	25.00				
Waste material delivered to the treatment plant at times other than 8:00 AM to 4:00 PM weekends or holidays shall be assessed an after hours fee of:	35.00				
Sewer surcharges:					
Biochemical Oxygen Demand - per pound concentrations	\$.2703				

over 300 milligrams per liter

Suspended solids - per pound for concentrations over 350 milligrams per liter \$.1343

If a customer's discharge exceeds the BOD and TSS limit already included in the monthly rate calculation for that customer class listed above, then sewer surcharges may be added as a condition to the customer user permit, compliance agreement or administrative order.

BOD and TSS included in monthly rates for specific customer classes are as follows:

Customer Class	BOD mg/l	TSS mg/l
Car Washes	20	150
Laundromats	150	110
Commercial	200	175
Manufacturing	200	175
Pet Food Manufacturers	1800	1100
Soft Drink Bottlers	1800	400
Ice Cream Cone Manufacturers	9700	100

All customers served directly by the City and located outside the City limits shall pay at a rate of one hundred ten percent (110%) times the rate for the same classification of service inside the City.

In the case of one meter serving a user that has different classifications of business, the Utilities Director shall be authorized to adjust the rate per one thousand (1,000) gallons based upon the contribution of each classification.

The user shall be determined according to customer class (see rate schedule above). (Ord. 1849, 12/06/94)

B. Capacity Charges

1. A capacity charge, as prescribed below, shall be assessed upon:
 - a. initial connection to the municipal sewer system, or
 - b. any subsequent expansion or modification of the user's building or facility which results in an increased contribution to the sewer system from:
 - (i) for single or multi-family residential users, an increase in the number of residential units, or
 - (ii) for commercial or industrial users, an increase in the number of fixture units, or
 - (iii) for industrial users, any change in operations resulting in a 20% or greater increase in billable volume as measured on an annual basis, or
 - (iv) a change of use of the property whereby an increased volume of discharge to the sewer system occurs. (Ord. 1809, 06/15/93)
 - c. Size of water meter installed on the property.
 - d. Each additional water meter added will require additional sewer capacity fees unless specifically designated as a landscape meter.
2. The capacity charges for the various types of users are as follows:

- a. Customer (capacity) Charge, dollars
- b. Residential
- c. Single family residential and townhomes (per unit):
 - (effective 1-1-07) \$2,410
 - (EFFECTIVE 7-1-12) \$3,126
- d. Multiple residential, condos & mobile home (per unit):
 - (effective 1-1-06) \$2,300
 - (EFFECTIVE 1-1-12) \$3,126

When a change of use occurs that increases the volume of discharge to the sewer system, regardless of whether a change in ownership has taken place, the capacity charge shall be based on the capacity charge for the new use less the existing capacity charge rate for the previous use. No refund shall be made in the case of reduced volume of discharge from a change of use. (Ord. 1809, 06/15/93)

Non-residential:

Meter size	(effective 1-1-07)	EFFECTIVE 7/1/12
5/8" or 3/4"	\$2,410.00	\$3,126.00
1"	\$4,300.00	\$5,210.00
1-1/2"	\$8,600.00	\$10,419.00
2"	\$8.80	\$16,671.00
3"		\$31,257.00
4"		\$52,095.00
6"		\$104,191.00
8"		\$166,705.00
10"		\$239,639.00

*gallon per day of estimated flow

Where the capacity charge is based on volume, said charge will initially be calculated based on an estimate of flowage to be submitted in writing by the customer and agreed upon by the City. The capacity charge will be adjusted based upon the volume of the highest consecutive 12 month period for the 36 months immediately following commencement of service for assessment of an additional capacity charge.

The Division shall review all industrial user accounts on an annual basis and assess an additional capacity charge when the annual average billable volume increased by 20% or more. The charge is calculated at the current volume less previously assessed capacity charge recalculated at then current rates.

Wastewater capacity associated with similar user classes may be transferred from one location to another with the approval of the Division. The location from which the wastewater capacity was transferred shall be without wastewater capacity until a subsequent purchaser of said location establishes a new capacity and fees for the new use. The transferor of the wastewater capacity is required to notify any subsequent purchaser of the property, which no longer has wastewater capacity, that such capacity does not exist. The City shall record an

agreement between the transferor and the City with the County Recorder against the property without wastewater capacity rights. The agreement shall reference the legal description of the property without wastewater capacity and clearly indicate that wastewater capacity rights do not exist.

Exemption and Payment of Capacity Charges. Structures with a minimum of stem wall, and first floor existing on December 1, 1979, shall be exempt from the capacity charges. As of that date, the capacity charge is immediately due and payable upon, receipt of an application for connection to the sewerage system.

If connection is made to the sewerage system without appropriate permit, the capacity charge is immediately due and payable upon the earliest date that such permit was required. No connection to the sewerage system shall be made without the proper permit and payment of the capacity charge except as provided below for installment payments. (Ord. 1796, 03/16/93)

C. Capacity Fee Installment Payments:

Capacity fees may be paid for by installment payments in accordance with the following conditions:

1. A capacity fee that totals an amount greater than \$150,000 may be paid as follows:
 - a. No less than 1/3 of the total capacity fee due is to be paid upon receipt of the application for connection to the sewerage system.
 - b. The balance due of the capacity fee is to be paid in equal monthly installments over no more than thirty-six (36) months to include an interest rate calculated to be the prime rate + 1/2% at the time of the application.
 - c. The customer agrees to secure the balance due to the City by a letter of credit drawn in favor of the City, or in any other form of security satisfactory to the City Manager, City attorney and Finance Director.
2. For industrial capacity fees greater than \$25,000 the City Council may consider reduced initial payments and/or extended time periods for payment. Consideration shall be based on the following criteria and other criteria the City Council may wish to include:
 - a. Economic impact
 - b. Community impact
 - c. Environmental impact
 - d. Desirability
 - e. Financial viability
3. Requests for reduced initial payments and/or extended time periods for the payment of industrial sewer capacity fees shall be made in writing to the City Utilities Director for consideration by the City Council. Requests shall address the aforementioned criteria and shall be subject to the following:
 - a. No less than \$25,000 of the total capacity fee is due to be paid upon receipt of the application for connection to the sewerage system.
 - b. The balance of the capacity fee shall be paid in equal monthly installments for a period of up to thirty years as requested by the industrial customer and approved by the City Council. A written agreement shall be executed between the City and the customer which shall include an interest rate as recommended by the City Manager and City Treasurer and approved by the City Council of the application.

- c. The industrial customer agrees to secure the balance due to the City by a letter of credit drawn in favor of the City or in any form of security satisfactory to the City Treasurer.

D. Special Rules for Application of Surcharges

The following special rules shall pertain in applying the surcharges described in Section 0038.H of this Chapter and Subsection A of this Section 0039:

1. Biochemical Oxygen Demand
 - a. In the event that an Industrial User's wastewater shall exhibit concentrations of BOD exceeding 400mg/l, then the surcharge for concentrations from 400mg/l to 500mg/l shall be multiplied by two (2);
 - b. in the event that an Industrial User's wastewater shall exhibit concentrations of BOD exceeding 500mg/l, then the surcharge for concentrations from 400mg/l to 500mg/l shall be multiplied by two (2), and the surcharge for concentrations of BOD exceeding 500mg/l shall be multiplied by three (3).
2. Total Suspended Solids
 - a. In the event that an Industrial User's wastewater shall exhibit concentrations of TSS exceeding 450mg/l, then the surcharge for concentrations from 450mg/l to 550mg/l shall be multiplied by two (2);
 - b. In the event that an Industrial User's wastewater shall exhibit concentrations of TSS exceeding 550mg/l, then the surcharge for concentrations from 450mg/l to 550mg/l shall be multiplied by two (2), and the surcharge for concentrations of TSS exceeding 550mg/l shall be multiplied by three (3).
3. All surcharges imposed by this Chapter shall be based on the average of all sampling conducted during the applicable billing period over the total flow for such period. (Ord. 1981, 09/15/98)

(Ord. No. 1590, Amended, 11/1/88; Ord. No. 1681, Amended, 12/04/90; Ord. No. 1727, Amended, 12/03/91; Ord. No. 1796, Amended, 03/16/93; Ord. No. 1809, Amended, 06/15/93; Ord. No. 1825, Amended, 12/07/93; Ord. No. 1809, Amended, 06/15/93; Ord. No. 1849, Amended, 12/06/94; Ord. No. 1945, Amended, 05/20/97; Ord. No. 1944, Amended, 05/20/97; Ord. No. 1950, Revised, 08/05/97; Ord. No. 1981, Amended, 09/15/98) (Ord. 2002-05, Amended, 05/21/2002; Ord. 2000-24, Amended, 10/03/2000; Ord. 1999, Amended, 07/06/1999); Amended Ord. 2006-27 (11/07/2006); Ord. No. 2010-23, Amended 09/07/2010).

7-02-001-0040 SEPTIC TANK AND SCAVENGER WASTE HAULERS

- A. Authorized Waste Haulers: Only those persons or companies whose principal source of business is within Coconino County shall be authorized to discharge scavenger wastes into the sewerage system.
- B. Permit to Discharge: All authorized persons or companies, as defined in (A) above, wishing to discharge scavenger wastes into the sewerage system must first obtain a scavenger waste discharge permit from the Finance Director. Permit applications shall include information on the company ownership, locations, identification, license number of all trucks to be used for delivery of waste to City sewerage facilities and any other pertinent information as may be desired by the City. It shall also include truck capacity and other information pertinent to discharge to the sewerage system. Permit applications shall be signed by a responsible owner or manager of the company applying for permission to discharge. All waste haulage equipment operated by companies with permits shall be registered with the Finance Director and shall be identifiable by display of the license plate number. (Ord. 1693, 5-7-91)

1. The permit provided for in this Section of the Chapter shall be issued by the Finance Director to all applicants who comply with the terms and conditions set forth in this Section upon the payment of a permit fee, as follows:
 - a. For each vehicle utilized for the transportation of wastes for disposal into the sewerage system: five dollars (\$5.00)
 - b. The permit issued as provided for in this Section shall expire one year after the date of issue. It shall be the responsibility of the hauler to seek renewal of their permit annually, at least 30 days prior to the expiration date of the previous permit. (Ord. 1693, 5-7-91)
 - c. Revocation of permit: Noncompliance with any part of this Section or subsequent regulations shall subject the permit holder to revocation of permit to utilize the services of the City sewerage system for disposal of scavenger wastes. Reissuance of permit to discharge after revocation shall be at the discretion of the Utilities Director and may be subject to such conditions as he/she deems appropriate. (Ord. 1693, 5-7-91)
- C. Regulations: The Utilities Director may establish such regulations as are deemed necessary to control the discharge of scavenger wastes so as to prevent incidences of overloading, interference or pass-through at the Wastewater Treatment Plant and/or interference, damage, etc., to the wastewater collection systems. All discharges shall comply with the Prohibited Substances restrictions set forth in Section 7-02-001-09 of the Code. The Wastewater Treatment Plant does not accept hazardous waste as defined by the Resource Conservation and Recovery Act and the Code of Federal Regulations.
- D. Each load to be discharged into the City wastewater system, shall be manifested in a form and format provided by the City of Flagstaff.
- E. Provisions of Services: Normal wastes from septic tanks, sewage treatment plants, etc., may be discharged routinely. Permission to discharge other wastes that are not readily biodegradable or are not known to be compatible to the operations of wastewater treatment plants shall be refused. Special request must be made to the Utilities Director prior to discharge of any materials of questionable acceptability. Some specific reasons for refusal of service shall include:
 1. Material deleterious to treatment plant operation or operators such as oils, greases, gasoline, toxics, volatile solvents, sand, metallic particles, or paints.
 2. Materials which would cause unusual expense in handling and treatment (i.e. blood, etc.), unless prior arrangements have been made for the payment of additional cost of service.
 3. Materials which would inhibit the performance of the treatment plant such as acids, plating wastes, or toxic materials.
- F. Fees and Charges: Fees and charges for treatment of formal scavenger wastes shall be based on the costs of providing such services and on the expected overall average characteristics of such discharges, which shall be designated as five thousand four hundred (5,400) mg/l BOD and twelve thousand (12,000) mg/l SS. (Ord. 1693, 5-7-91)
- G. The waste hauler will be financially responsible for any damage to, or interference with the POTW, or for any expense to the City (including testing) caused by the discharge from the hauler. The waste hauler and/or generator will be charged for all expenses in monitoring and handling their discharge. (Ord. 1693, 5-7-91)
- H. Waste haulers may not discharge unless a plant operator is present and has approved the discharge. The operator may refuse to accept any discharge if it is suspected to contain wastes which are considered unacceptable to the City Wastewater Treatment facilities. (Ord. 1693, 5-7-91)

- I. The waste hauler shall have sampling outlets (approved by the City Utilities Division) on each truck for proper sampling of contents. (Ord. 1693, 5-7-91) The waste hauler shall be subject to random sampling/monitoring by the City.
- J. Waste haulers will position their trucks at the direction of the plant operator to prevent spills. Any traces of the hauler's discharge must be removed by the hauler immediately.
- K. The discharge of scavenger wastes shall be permitted only at the locations and during such hours as shall be established by the Utilities Director. The discharge of scavenger wastes to the sewerage system at any other location is forbidden.
- L. Septic Tank And Scavenger Waste Haulers shall be subject to the enforcement guides set forth in Section [7-02-001-0021](#) of the Code.
- M. Provision of false information by either the generator or the hauler shall also be considered a violation of this Code and subject to the provisions of Sections [7-02-001-0019](#) and [7-02-001-0021](#) of this Code.

(Ord. 2003-04, Amended, 04/04/2003)

7-02-001-0041 SEWER RATES TO BE ADDED TO WATER BILLS

All sewer user charges to be added to and collected with the bills as rendered for water by the Finance Section, and all of the rules and regulations promulgated by the Finance Section shall apply to, and be effective in, the collection of such sewer service charges.

7-02-001-0042 WHEN BILLS PAYABLE; DISCONNECTION OF SERVICE FOR FAILURE TO PAY; RECONNECTION FEE

All bills for sewer service shall be due and payable on the billing dates of the various districts, and if not paid within thirty (30) days thereafter will be considered delinquent and the sewer service may be discontinued without notice. In the event extraordinary costs are incurred by the City to discontinue the sewer service, such costs shall be paid by the customer before service is continued. (Ord. 1104, 12-4-79)

7-02-001-0043 DETERMINATION OF WASTEWATER QUANTITY AND BILLINGS:

NONRESIDENTIAL

- A. In the absence of suitable data to make a determination for non-residential users as to the amount of water discharged to the sewer system, the sewer user charge shall be based on the amount of water supplied to the premises. The Director of Utilities may require or permit the installation of acceptable additional water or sewer meters at such party's expense and in such a manner as to determine the quantity of water actually entering the sewer system, in which case, the quantity of water used to determine the sewer charge shall be the quantity of water actually entering the sewer system as so determined. The meter (or meters) must measure the total flow unless another method has been approved by the City. (Ord. 1693, 5-7-91)
- B. It shall be the responsibility of each user, who chooses or is required to perform the purchase and installation of such meters, to notify and gain approval of the City of Flagstaff Utilities Division. Upon initial written verification, by a qualified individual, that the meter has been installed and is functioning accurately and efficiently, the user assume daily operation and maintenance of such meters. (Ord. 1676, 10/2/90)

If at any time, the City of Flagstaff Utilities Division determines that such meter is insufficient for the purpose it is intended, whether because of inability to repair, increased discharge rate of wastestream, etc., the user shall replace the meter or have modifications performed to the existing meter, at the user's expense and in such a way that is considered satisfactory to the City Utility Director. (Ord. 1676, 10-2-90)

- C. All Significant Industrial Users, have a City-approved sewer flow meter or other City approved means of measuring their effluent. This meter be equipped to provide a permanent record of the flow measurements. All records of the flow be kept for a minimum of three (3) years and must be available to the City. (Ord. 1693, 5-7-91)
- D. It shall be the responsibility of all Industrial Users who are required or choose to install flow measurement devices to provide a security system which would provide the City with unrestricted access to such meter, yet at the same time provide protection from User access unauthorized by the City, tampering, vandalism, the elements or any other factor which may inhibit accurate flow measurement of the wastestream. (Ord. 1693, 5-7-91)
- E. The Industrial User shall keep their wastewater collection lines free from debris, turbulence or any other entity that may inhibit the accurate measurement of sewer flow. (Ord. 1693, 5-7-91)

RESIDENTIAL:

- A. Sewer user charge be based on the average monthly water billed to each customer during the preceding December, January, February and March and shall represent sewage flow for full-time residential customers. (Ord. 1590, 11-1-88)
- B. If the Director determines that adequate water meter information is not available for billing a residential customer as described above, then the customer be charged the average monthly billing for that user class. (Ord. 1590, 11-1-88)
- C. Upon approval of the Director, any individual user may, at his own expense and subject to the regulations of the Division, install a separate meter in order to determine the quantity of water actually entering the sewer system and future sewer charges shall be limited to that water actually entering the sewer system as so determined by the Director. (Ord. 1590, 11/01/88)
- D. If within 10 days of billing, a customer files a written complaint with the Director alleging that a significant portion of his water usage does not enter the sewer system, the Director, in accordance with written appeals procedure, provide an opportunity for the customer to present his supporting documentation to an employee designated by the Director to hear complaints. (Ord. 1590, 11/01/88) (Ord. No. 1590, Amended, 11/1/88; Ord. No. 1676, Amended, 10/02/90; Ord. No. 1693, Amended, 05/07/91)
- E. Upon approval of the Director, metered water usage may be used to determine the sewer use charge when it can be shown to be more accurate than using the average winter water usage. (Ord. 2003, 09/21/99)

(Ord. 2002-08, Amended, 07/16/2002; Ord. 2002-05, Amended, 05/21/2002; Ord. 2003, Amended, 09/21/1999)

7-02-001-0044 RESERVED FOR FUTURE USE

(Ord. No. 1693, Repealed, 05/07/91)

7-02-001-0045 PAYMENT OF BILLS AND CHARGES:

- A. All notices sent out by the City regarding sewer user accounts, and all notices regarding any other matter pertaining to the user of the City sewer system shall be sent to the house and street number of such property. To insure proper delivery of notices, all errors in house numbers should be promptly reported to the Finance Section.
- B. The sewer account and bill shall distinguish the amount of the sewer user charge from any industrial cost recovery charge, if applicable.
- C. All rates and service charges are payable when rendered and shall be paid by the due date. If the total of such bill is not received by the City within five (5) days after the due date the consumer shall be

charged an additional \$5.00 non-refundable late payment penalty fee. Consumers on a payment plan that has been approved by the Utilities Division may be exempted from the late payment penalty fee. All charges shall be considered delinquent thirty (30) days after bill date. If the total of such bill is not paid within ten (10) days after the date of delinquency (30 days from bill date), a notice may be placed at the service address notifying of the past due amount and service charge which must be paid within 24 hours. After 24 hours, the water or sewer service may be disconnected from the premises of the delinquent consumer. The total amount of the bill due and any deposit, if such deposit is required, shall be collected before again providing sewer service or water service. Any closed, delinquent account requiring special collection effort may be assessed a delinquent collection charge to cover the additional cost as established by the Finance Director. (Ord. 1849, 12/06/94)

- D. A consumer's water or sewer service may be disconnected for nonpayment of a bill for service rendered at a previous location served by the Finance Section, provided such bill is not paid within thirty (30) days after the unpaid bill has been presented to the consumer at his new location. (Ord. 1849, 12/06/94)
- E. Any expense caused to the City for the repair or replacement of damaged, stolen, tampered with or misused sewer or water facilities shall be charged against and collected from the person or persons who caused the expense.
- F. When a user of the water or sewer system has been notified of the amount of charges remaining due after the deduction of his security deposit, and payment for same has not been received, the Finance Director may assign the account to a bona fide collection agency. (Ord. 1849, 12/06/94)
- G. Before water or sewer service will be turned on to any premises all charges against the premises when due and payable to the City as required by this Chapter, or including any of the following items must have been paid; on account of labor supplied or materials furnished by the Utilities Division in the installation of service pipes connecting the premises with the City sewer mains, or for tapping the City sewer system; on account of water or sewer service previously supplied to the premises; whether used by the applicants or by some previous occupant of the premises; or on account of the assessment of any fine or penalty; or for turning water or sewer services off or on; or for repair or replacement of damaged, stolen or misused sewer works facilities.

(Ord. No. 1809, Amended, 06/15/93; Ord. No. 1809, Amended, 06/15/93; Ord. No. 1849, Amended, 12/06/94)

7-02-001-0046 NOTICE PRIOR TO DISCONNECT

Before discontinuing water or sewer service for non-payment of any sewer user charge, deposit or other assessment provided for in this Chapter, the Finance Director shall give written notice to the person, of the discontinuance and an opportunity to appear before the Finance Director or his designee on any disputed matter relative to the discontinuance of sewer service. (Ord. 1104, 12-4-79)

7-02-001-0047 SERVICE CONNECTIONS

Every separate building to be provided with sewer service shall have its own separate sewer service connection to the City sewer main, except that two (2) or more buildings located on the same lot or on contiguous lots under the same ownership or property known as a court, apartment house or block covering more than one lot, may be provided sewer service through the same connection as long as the single ownership continues. Upon change from such single ownership, a new and separate connection shall be immediately made for the building or premises to replace the indirect connection. No person having sewer service shall provide sewer service to any other sewer user, whether gratuitously or for a charge. (Ord. 1873, 06/20/95)(Ord. No. 1873, Enacted, 06/20/95)

7-02-001-0048 RESERVED FOR FUTURE USE:

7-02-001-0049 PERMITS REQUIRED FOR INDUSTRIAL USERS:

All Significant Industrial Users, as defined by this Chapter, Section [7-02-001-0011](#) (A) (1.) shall obtain a permit for connection and discharge to the City's sewer system from the Director of Utilities. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Amended, 05/07/91) (Ord. No. 1693, Repealed, 05/07/91)

7-02-001-0050 INDUSTRIAL USER PERMITS

A. The Significant Industrial User shall make application for such permit, at least ninety (90) days prior to commencement of discharge, on a form provided by the Director of Utilities. An applicant shall pay a fee as determined by the City of Flagstaff for each application and thereafter be issued an Industrial Wastewater Discharge Permit which shall be valid for a period of five (5) years from the date of issuance or less as determined by the Director of Utilities. (Ord. 1693, 5-7-91)

Industrial Wastewater Discharge Permit Fee

(Effective 1-1-07)	(Effective 1-1-08)	(Effective 1-1-09)	(Effective 1-1-10)
\$100 per year	\$150 per year	\$200 per year	\$250 per year

B. Upon expiration of such permit, an applicant who holds a valid wastewater discharge permit and is in compliance with the terms and conditions established by this Chapter, shall file an application for renewal of an industrial wastewater discharge permit, at least ninety (90) days prior to the expiration date of the previous permit, together with the existing fee and, thereafter, shall be issued a renewed industrial wastewater discharge permit, which shall be valid for a period of five (5) years from the date of issuance of the renewal or less as determined by the Director of Utilities. (Ord. 1693, 5-7-91)

C. The applicant shall submit the information contained in item (D) through (G) below and any other information requested by the City, at the time of submittal or the application will be rejected and the applicant required to resubmit with the appropriate fee. (Ord. 1693, 5-7-91)

D. An applicant seeking an industrial wastewater discharge permit or renewal shall submit, as part of its application, the results of an analysis, compliant with Standard Methods, conducted by a laboratory certified by the State of Arizona Department of Health Services, of a representative daily composite sample of the effluent discharge from the applicant's plant. (Ord. 1693, 5-7-91)

E. An applicant shall submit as part of its application for a permit, a discharge report which include, but not be limited to, the nature of process, volumes, rates of flow, production quantities, concentrations in the wastewater discharge and any other information that may be relevant to the generation of waste.

F. An applicant, as part of its application for a permit, shall submit a plan showing the location and size of on-site sewers, sampling point, pretreatment facilities, City sewers and any other pertinent physical details.

G. An applicant as part of its application for a permit shall list each product manufactured, the type, amount and rate of production and the chemical components and quantity of liquid or gaseous materials stored on-site, even though they may not normally be discharged into the sewer system.

H. In the event a producer of industrial waste which is authorized to make a connection to the City sewer for industrial waste disposal under the provisions hereof is sold, leased, or its operation is assumed or taken over by another person, firm or corporation other than that named in the permit, a new application for a permit shall be made by the new owner, lessee or operator. No permit issued under the provisions hereof shall be assignable and a violation of this provision shall be grounds for summary suspensions or revocation of such permit by the Director of Utilities.

- I. It shall be a condition of the permit that the City may at any time test any of the wastes being discharged by the company or plant for quality or quantity. A duly authorized City representative may enter the permittee's premises at any time during business or operational hours for the purpose of inspecting plant operations to estimate quality or quantity of wastes.
- J. It shall be a condition of the permit that the permittee shall install facilities, approved by the City Engineer at the permittee's expense for the purpose of the City's representative inspecting, observing and sampling representative flows in accordance with Section [7-02-001-0017](#) of this Chapter. (Ord. 1693, 5-7-91)
- K. It shall be a condition of the permit that additional periodic reports as may be required by the Director of Utilities to properly monitor the discharge of the industrial wastes, be submitted to the Director of Utilities.
- L. Issuance of an industrial wastewater discharge permit shall not release the permit holder from the obligation to comply with all other provisions of this Chapter.
- M. The City may change the conditions of any permit from time to time as may be necessary in order to comply with requirements of Federal or State regulations. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Amended, 05/07/91); (Ord. 2002-08, Amended, 07/16/2002); (Amended Ord. No. 2006-27; 11/07/2006)

7-02-001-0051 PERMITTEE REQUIREMENTS

- A. Each permittee shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Chapter. If such discharge may occur, permittee must report it to the Director of Utilities as described in Section [7-02-001-0013](#). (Ord. 1693, 5-7-91)
- B. In order that officers, agents and employees of permittees will be informed of the City's requirements, 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 purposes 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. (Ord. 1693, 5-7-91)
- C. Any possible connection or entry point for a hazardous and/or prohibited substance to the permittee's plumbing or drainage system shall be appropriately labeled to warn operating personnel against discharge of such substances. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Rep&ReEn, 05/07/91)

7-02-001-0052 RESERVED FOR FUTURE USE

7-02-001-0053 RESERVED FOR FUTURE USE

(Ord. No. 1693, Repealed, 05/07/91)

7-02-001-0054 RESERVED FOR FUTURE USE

(Ord. 1236, 11-29-82)

7-02-001-0055 RESERVED FOR FUTURE USE

7-02-001-0056 RESERVED FOR FUTURE USE:

(Ord. 1236, 11-29-82)

(Ord. No. 1693, Repealed, 05/07/91)

7-02-001-0057 RESERVED FOR FUTURE USE:

(Ord. No. 1693, Repealed, 05/07/91)

7-02-001-0058 RESERVED FOR FUTURE USE**7-02-001-0059 SERVICE OUTSIDE CITY LIMITS**

- A. For all places outside the corporate limits of the City not mentioned in this Chapter where sewer service is rendered by the City, and for which no rate is specifically fixed, the rate to be charged, including a connection charge, shall be as fixed by the City Council.
- B. City sewer service offered to users outside the City limits shall be offered by the City subject to compliance by the users with the terms of this Chapter.

(Ord. No. 1693, Repealed, 05/07/91)

7-02-001-0060 RESPONSIBILITY FOR ENFORCEMENT

- A. The City's Director of Utilities or authorized deputy, agent, or representatives shall have authority over all field operations of the City's wastewater treatment and collection system, including flow test measurements, quality of waste, service connections, line construction plus the operation and maintenance of all wastewater facilities. (Ord. 1723, 4/7/92) (Ord. 1950, 08/05/97)
- B. The City's Director of Finance or authorized deputy, agent, or representative shall have the authority to determine and collect all service rates and to make such regulations as necessary for same, including the ordering of a discontinuance of service for non-payment of required service fees. (Ord. 1723, 4/7/92) (Ord. 1950, 08/05/97)
- C. The rules and regulations of this Chapter are made for the benefit of the users of the City sewer system, for the protection of the sewer system, and to protect the quality of the effluent of the sewage treatment plants. Their enforcement shall in no case be willfully ignored by any City official or employee. (Ord. 1693, 5/7/91)

(Ord. No. 1693, Amended, 05/07/91; Ord. No. 1950, Revised, 08/05/97)

7-02-001-0061 DISCONNECTION OF SERVICE

The violation of any section of this Chapter shall be sufficient cause for the City to discontinue water or sewer service to any premises, and such service shall not be restored until such violations have been discontinued or eliminated and all outstanding charges paid. The discontinuance of sewer service shall be accomplished by physically cutting and blocking the building connection. A charge for disconnecting and reconnecting shall be paid to the Finance Section for reconnecting the sewer service. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Amended, 05/07/91)

7-02-001-0062 RESERVED FOR FUTURE USE

(Ord. 2002-08, Repealed and Replaced, 07/16/2002)

7-02-001-0063 INTENT OF CHAPTER

In order to meet the grant regulation requirements for Construction of Treatment Works established by E.P.A. at [40](#) CFR Part [30](#) and [40](#) CFR Part 35, the City is required by the Regional Administrator to have its user charge rates and ordinance approved and enacted before the treatment works constructed with grant funds are placed in operation. To satisfy this requirement, the City has this day enacted and approved this Chapter. It is the intent of the City Council that the rates and procedures required by E.P.A. be effective before the treatment works constructed with the grant are placed in operation. (Ord. 1104, 12-4-79)