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Article 16-8
INDUSTRIAL USER AND PRETREATMENT REQUIREMENTS

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Section 16-8-1 General Industrial User Requirements

All industrial users shall:

- A. Comply with the categorical standards, pretreatment requirements, and all other requirements imposed by this chapter. Upon the effective date of any federal or state categorical pretreatment standards for a particular industrial subcategory, the federal or state standard, if more stringent than the effluent limitations imposed under this chapter shall immediately supersede those limitations.
- B. Comply with the orders of the water resources department designed to implement the categorical standards, pretreatment requirements, and all other requirements imposed by this chapter.
- C. Within 90 days of the adoption of this chapter and prior to the discharge of wastewater to the POTW by any user required to have a permit under this chapter, the user shall file a written notice with the water resources department which identifies the:
 1. Name and address of the existing or prospective users;
 2. Business location(s) serviced or to be served by the POTW;
 3. Nature, concentration, and amounts of any substance present, at or intended to be present at such business location(s) which, if discharged to the POTW could constitute an industrial discharge;
 4. Nature, concentration and amounts of all pollutants currently discharged to the POTW from such business location(s).
- D. File an annual POTW user report with the water resources department by the first of January of each year which provides an update to the information obtained pursuant to section 16-8-1(C) above. This reporting requirement does not apply to industrial users operating pursuant to an industrial user permit.
- E. Carry out, and maintain an adequate record of, all self-inspection and self-monitoring activities necessary for the user to know at all times whether or not such user is introducing any industrial discharge to the POTW.
- F.

Assist the water resources department to determine the exact nature, concentration, and volume of any pollutant intended for discharge to the POTW. Therefore, upon request, any industrial user shall promptly:

1. Allow the examination and copying of all relevant records or documents available to the user;
 2. Allow the inspection of all business locations served by the POTW, including all pretreatment equipment, methods, and activities utilized by the user at such locations;
 3. Install and maintain, at the user's expense, convenient and adequate monitoring and/or sampling point(s) needed by the water resources department for monitoring and/or sampling purposes;
 4. Allow the taking and removal of samples from any wastewater discharged or intended for discharge, to the POTW;
 5. Provide any laboratory sampling and testing required by the water resources department at the sole expense of the user;
 6. Provide the water resources department with any other information, including, but not limited to, chemical analyses of wastewater and architectural or engineering design data, drawings, etc., which are reasonably needed by the water resources department for the purpose of determining such user's compliance with the requirements of this chapter.
- G. Not cause an industrial discharge without having first obtained a permit required by this chapter. The industrial user shall comply with all requirements and conditions of any permit. Once a permit is issued, no industrial user shall:
1. Make any new or increased industrial discharge, or otherwise make any change in the nature of its industrial discharge(s) if such change will cause any new or increased industrial discharge, without first obtaining an amended permit.
 2. Fail to give notice to the water resources department of not less than ninety days prior to any facility expansion, production increase, or process modifications which results or may result in new or increased discharges or a change in the nature of the discharge.
 3. Fail to give advance notice to the water resources department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- H. Comply with the demand of the water resources department to immediately halt any actual or threatened discharge to the POTW when the water resources department has given notice that such actual or threatened discharge:
1. Presents or may present an imminent or substantial endangerment to the health or welfare of any person or to the environment; or
 2. Will cause interference with POTW operations.
- I. Immediately give written notice to the water resources department of any discharge, including an accidental discharge, which is in violation of any categorical standard, pretreatment requirement, or permit condition imposed by this chapter. Such written notice shall also describe the:
1. Location of the discharge;
 2. Known or estimated nature, concentration, and volume of the discharged pollutant(s);

3. Type of assistance desired from the town;
 4. Corrective action(s) undertaken, being undertaken, and/or to be undertaken by the user. Any user causing such a discharge shall also initiate and complete all appropriate corrective action(s) required by the water resources department which are needed to:
 - (a) Prevent any further injury to human health or safety or to the environment, the POTW, and/or any other property;
 - (b) Promptly repair all or part of any injury or damage caused by such discharge; and
 - (c) Ensure that such a discharge does not occur again.
- J. Pay all sewer fees charged by the town for the wastewater collection and disposal services provided by the POTW pursuant to the requirements of this chapter. Such service fees will apply equally to all POTW users and will be determined by each user's proportionate share of the POTW operating and maintenance costs. In turn, the proportionate share will be based on such factors as the strength, volume and flow rate of wastewater discharged to the POTW by each user.
- K. Reimburse the town for all extraordinary expenses reasonably incurred by the town in insuring user's compliance with the applicable requirements of this chapter. An extraordinary expense is any cost not otherwise reimbursed from the normal collection of sewer fees. Such extraordinary expenses include, but are not limited to, the costs in:
1. Issuing permits;
 2. Conducting inspection, surveillance, and monitoring activities;
 3. Obtaining laboratory analyses of waste samples;
 4. Taking and pursuing enforcement actions against users not in compliance with the requirements of this chapter; and
 5. Carrying out any measure needed for the protection of human health or safety, the environment, the POTW or any other property in order to correct or mitigate any harm caused by the violation of any categorical standard or pretreatment requirement.
- L. Be financially responsible for all injury, damage, and/or loss suffered by any person as a result of any industrial discharge, by such user, which violates any categorical standard, pretreatment requirement, or permit condition enforced pursuant to this chapter. In particular, such user shall be liable for the:
1. Personal injury suffered by any person as a result of such discharge;
 2. Costs reasonably incurred by any person in correcting, or otherwise mitigating, any adverse environmental impact which resulted from such discharge; and
 3. Economic loss and property damage suffered by any person as a result of such discharge.
- M. Fully comply with this subpart if the results of the user's self-monitoring wastewater analysis indicates a violation has occurred:
1. Inform the water resources department of the violation within twenty-four hours of becoming aware of the violation; and
 2. Repeat the wastewater sampling and pollutant analysis and submit in writing the results of the repeat analysis within thirty days after becoming aware of the violation, unless the water resources department requires it sooner.
- N.

An industrial user shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable and that it has selected the method of treatment, storage, or disposal currently available which minimizes the present and future threat to human health and the environment.

(Ord. No. 37-11, § 2, 12-6-2011)

Section 16-8-2 Specific Industrial User Requirements

In addition to all other requirements of this chapter, each industrial user who discharges an industrial discharge into the POTW shall also:

- A. Obtain an industrial discharge permit from the water resources department. Any application for a permit or an amended permit shall contain the information specified in the application form or such other information as may be requested by the water resources department. Any person intending to commence any new industrial discharge(s), or any additional or modified industrial discharge(s) not already allowed pursuant to an existing permit, shall first obtain a new or an amended industrial discharge permit, as applicable, from the water resources department prior to initiating such discharge(s).
- B. Comply fully with all requirements and conditions of any industrial user permit. Once a permit is issued, no industrial user shall:
 1. Make any new, modified, or increased industrial discharge.
 2. Otherwise make any change in the nature of its industrial discharge(s) if such change will cause any new or increased industrial discharge.
- C. Provide all of the pretreatment necessary to comply with the categorical standards and pretreatment requirements imposed by this chapter and best management practices imposed by this chapter. In addition, there shall be no discharge of any water or waste exceeding the limits for the following substances that are expressed in the total form:

DAILY AVERAGE EFFLUENT LIMITATIONS

Substance	Limitation mg/l*
Arsenic	0.1
Barium	10.0
Boron	10.0
Cadmium	0.1
Chromium VI	0.5
Copper	10.0
Cyanide (amenable to Chlorination)	0.2
Cyanide, Total	2.0
Dissolved Sulfides	0.5
Lead	0.5
Manganese	0.5
Mercury	0.05
Oil & Grease EPA Method 413.1	100
Oil & Grease TPH EPA Method 418.1	100
Selenium	0.1
Silver	0.5
Zinc	50.0

- * mg/l = milligrams per liter
- D. Maintain a continuous discharge record which clearly identifies the:
1. Dates and times of all industrial discharges; and
 2. Nature, concentration(s), and volume(s) of all such discharges.
- E. Provide the water resources department with all the same self-monitoring reports and notices which the industrial user is required to submit to any other authority in accordance with the provisions of 40 CFR Part 403.12. In particular, the industrial user shall meet the requirements of:
1. Notices which must be filed within one hundred eighty (180) days of the adoption of any categorical standard, including a compliance schedule.
 2. Notices which must be filed within ninety (90) days of any final compliance date, or in the case of a new source, following the commencement of the introduction of wastewater into the POTW.
 3. Reports which must be filed by the industrial user in June and December of each year unless required more frequently by the water resources department.
 4. The immediate notice which must be given after a slug load release of any industrial discharge.
 5. The sampling and analysis of pollutants discharged to the POTW, including any more frequent sampling and analyses performed beyond what is required by the water resources department.
 6. The maintenance of records by the industrial user.
- F. Comply with all reporting requirements and maintain records of all information resulting from any monitoring activities as required by Chapter 16 of the town code.
- G. Records required by sections 16-8-2(E)(4) and 16-8-2(E)(5) above, shall be required to be retained for a minimum of three years from the date of monitoring activity and shall be made available for inspection and copying. This period of retention shall be extended during the course of any unresolved litigation between the SIU and the town. Such records shall include for all samples:
1. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
 2. The dates analyses were performed;
 3. Who performed the analyses;
 4. The analytical techniques/methods used; and
 5. The results of such analyses.

(Ord. No. 37-11, § 2, 12-6-2011)

Section 16-8-3 Special Discharges

- A. In addition to all other requirements imposed by this chapter upon industrial users, the following types of industrial users who are not significant industrial users may be required to obtain a wastewater discharge permit if the water resources department determines the industrial discharge causes or has the reasonable potential to cause harm or damage to the POTW, worker safety, public safety or the environment:
1. Zero process discharge user.
 2. Users which discharge the equivalent strength of twenty-five thousand gallons per day of domestic waste as measured by BOD and SS.

3. Discharges of polluted groundwater.
 4. Users discharging any of the substances identified in sections 16-6-1(M) and 16-8-2(C).
- B. The industrial user shall comply with all requirements and conditions of a wastewater discharge permit issued by the water resources department pursuant to the provisions of this Article 16-8
- C. All special discharges must be approved prior to discharge and all special fees paid. Any exceedance of a permit limit or violation of any permit condition or limit shall be subject to civil and criminal penalties as authorized by federal and state law and the provisions of this chapter.

(Ord. No. 37-11, § 2, 12-6-2011)

Section 16-8- Authority of the Water Resources Department

The water resources department is authorized to enforce the provisions of this chapter. In carrying out this responsibility, the water resources department has express authority to:

- A. Issue or amend (as applicable) industrial user permits within sixty (60) days of receiving the application for such permit or amended permit. Once issued, a permit:
1. Will be for a period of time not to exceed two (2) years. A permit may be terminated by revocation by the water resources department or upon voluntary surrender of the permit by the permittee at an earlier date;
 2. Is nontransferable by the permittee;
 3. Will specifically identify all applicable discharge prohibitions and limitations which the water resources department will enforce.
 4. May be amended as deemed appropriate by the water resources department;
 5. May contain monitoring requirements;
 6. May contain reporting requirements;
 7. May contain requirements for installation and maintenance of inspection and sampling facilities;
 8. May contain required notifications;
 9. May contain requirements for a plan to control slug discharges and spills. The plan shall contain at a minimum:
 - a. A description of discharge practices, including nonroutine batch discharges; and
 - b. A description of stored chemicals; and
 - c. Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;
 10. May require implementation of best management practices to reduce or eliminate the amount of pollutants discharged to the POTW;
 11. May contain standard permit conditions;
 12. May contain other conditions and requirements as deemed reasonably necessary by the water resources department to prevent pass-through or

interference, to protect the quality of the water body receiving the treatment plant's effluent, to protect worker health and safety, to facilitate sludge management and disposal, to protect against damage to the POTW and to ensure user compliance with this chapter, and state and federal laws, rules and regulations.

- B. Incorporate the pertinent requirements of this chapter into every town contract with any user located outside of the municipal jurisdiction of the town. Such contracts may also provide for liquidated damages and, if applicable, specific performance as remedies for breach of contract.
- C. Receive and analyze all self-monitoring reports and notices submitted by industrial users.
- D. Randomly sample and analyze effluent from users and conduct those surveillance and inspection activities needed to identify, independently or any information supplies by such users, occasional or continuing noncompliance with any categorical standard or pretreatment requirement.
- E. Investigate instances of noncompliance with any categorical standard or pretreatment requirement when notice of any actual or probable noncompliance has been received by the water resources department or any representative of the department.
- F. Notify users of noncompliance with categorical standards or pretreatment requirements discovered by the water resources department. Such notice shall also contain a demand for any appropriate corrective action which is necessary to meet the applicable requirements of this chapter. Any user will be allowed opportunity to respond to an order of the water resources department before any enforcement action against such user is initiated, unless the discharge is a threat to the public health, safety, and welfare, in which case the water resources department may immediately disconnect service and initiate enforcement action without giving notice.
- G. A permit may be revoked by the water resources department for good cause, including, but not limited to:
 - 1. Failure to notify the water resources department of significant changes to the wastewater prior to the changed discharge;
 - 2. Failure to provide prior notification to the water resources department of changed conditions pursuant to the requirements of this Article 16-8
 - 3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - 4. Falsifying self-monitoring reports;
 - 5. Tampering with monitoring equipment;
 - 6. Refusing to allow the water resources department timely access to the facility premises and records;
 - 7. Failure to meet effluent limitations;
 - 8. Failure to pay fines and penalties;
 - 9. Failure to pay sewer charges;
 - 10. Failure to meet compliance schedules;
 - 11. Failure to complete a wastewater survey or the permit application;
 - 12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; and
 - 13. Violation of any pretreatment standard or requirement, or any terms of the permit or requirement of this chapter.