

Industrial Wastewater Ordinance

Pima County Code:

13.36

Effective June 18, 2013



Why did we need to change things?

- 2005 EPA Streamlining Rule requires changes to Pretreatment Regulations
- Grease Management Program not codified
- SB 1598 “Regulatory Bill of Rights” requires written policies
- Ease of use
- Correction of typos



What Are the Major Changes?

- Local Authority clarified based on Arizona Primacy for NPDES Program
- Required changes from EPA Streamlining rules
 - Language adapted from EPA 2007 Model Ordinance
 - Addition of Best Management Practices as alternative compliance measure including record keeping requirements
 - Significant Non-Compliance publication rules changed
- Grease Management Program added to standardize FOG compliance for FSF
- Dental Facility Exemption Requirements clarified
- Permit Application Fees modified
- Permit time frames clarified
- Appeal process clarified
- Reduced Reporting option added
- Satellite System Agreement Section added
- Many additional “definitions”



Authority clarified as State rather than Federal

Lawyer modified citations:

This regulation is accomplished in compliance with a Publicly Owned Treatment Works (POTW) pretreatment program mandated by the Arizona Pollutant Discharge Elimination System (AZPDES) permits issued by the Arizona Department of Environmental Quality (ADEQ) to Pima County in conformity with Arizona Administrative Code (AAC) **R18-9-A905(A)(3)(d)** adopting by reference 40 CFR § 122.44.j, Arizona Revised Statutes (ARS) § **49-391** and the Clean Water Act (CWA), Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500; 86 Stat. 816; 33 United States Code sections 1251 through 1376); **AAC R18-9-A905(7)** and **R18-9-A906**.



What's Different?

Old Ordinance 1991-140

- Definitions 13.36.040
- Discharge Limits 13.36.070
- Vague Variance Language
- Dental Exemption 13.36.090.C
- Food Service Exemption
13.36.110
- Fees 13.36.120 Application
Fees \$75 (IU) and \$600 (SIU)

New Ordinance 2013-32

- Added some, clarified others
- Clarified names and removed
some limits
- Variance Section added
- Requires BMP's
- Clarification to Grease
Management Program
- Requires BMP's
- Increased Applications fees to
\$150 (IU) and \$800 (SIU)

Old Ordinance 1991-140

- Posting of Bond.
13.36.130.E & 13.36.140.C
- Hazardous Waste Discharge
13.36.300
- FOG authority limited to Oil
& Grease 200 mg/l
- Nothing governing Satellite
Collection Systems

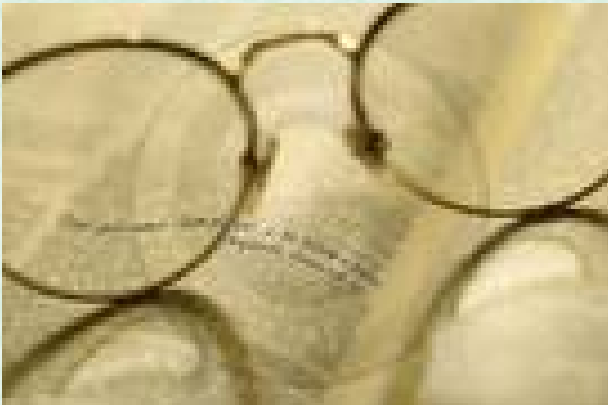
New Ordinance 2013-32

- We've never required it – so
it's removed...
- Reduced Reporting Option
13.36.160.E
- Domestic Sewage Exclusion
for Hazardous Waste
13.36.300
- Article XIV Grease
Management Plan added
- Article XV Satellite
Collection Systems added

Definitions

Old Ordinance 1991-140

- Composite Sample: a minimum of 8 samples...



New Ordinance 2013-32

- Authorized Representative moved
- Composite Sample: modified to a minimum of 4
- Significant Noncompliance moved

13.36.060 Prohibited Waste

- pH limits
 - Range changed from 6.0 - 9.0 to 5.0 - 11
 - Continuous monitoring section removed
- added oxygen demanding waste



13.36.070 Discharge Limits

- Clarified names and removed some limits
 - Dissolved Sulfide & Total Phenol removed
 - Dichlorodifluoromethane and Trichlorofluoromethane removed
- Corrected Sulfide to discrete



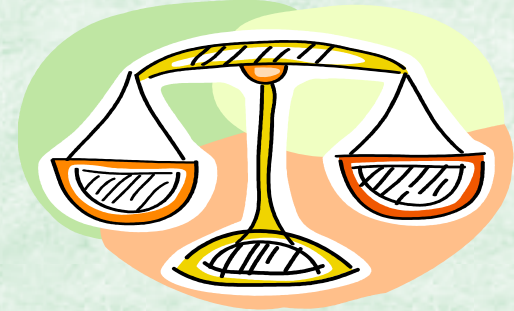
13.36.075 Variances

- The Director may allow variances...
 - Substitution of materials of equal value
 - Impractical/incompatible
 - Emergency



Appeals

- 13.36.110.B.7&8 Application Appeals
 - Permit decisions may be appealed to the Director by responding in writing to the Director within 33 days of the issuance of the Permit decision. ... The Director shall respond to the Applicant in writing within 45 days.
 - Subsequent to an appeal to the Director, an appeal may be made to the Board of Supervisors by filing a request with the Clerk of the Board of Supervisors in the event that satisfactory resolution of permit application decisions is not agreed upon.
- 13.36.200 Enforcement Appeals
 - Remains the same – appeal to the Board
- 13.36.430 FOG Source Pretreatment
 - Depending on use, the requirement to drain through a pretreatment device may be appealed to the Director as outlined in 13.36.075.



13.36.090.C Dental Facilities



- Old Ordinance:
 - Dental facilities are exempted from the requirements of this Ordinance.
- New Ordinance:
 - Dental facilities are exempted from the **requirement to obtain an Industrial Wastewater Discharge Permit as long as Best Management Practices are implemented to control Mercury bearing wastestreams** including but not limited to the use of an amalgam separator; staff training on amalgam waste handling, management and disposal; and vacuum system/amalgam separator maintenance recordkeeping.



13.36.100 Septage Disposal

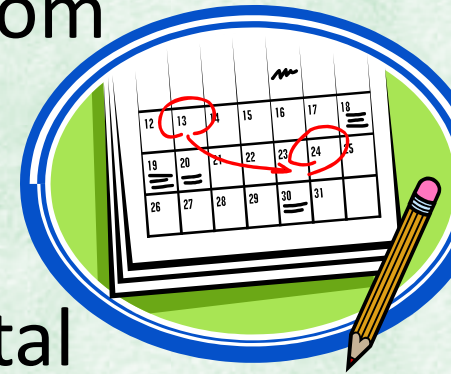
- Clarified Application/Appeal requirements
- Moved all Septage into one section of the IWO
- Removed Bond requirement
- Application Fee \$150.00

13.36.110.B Industrial Wastewater Permit Application - Timeframe

5. The Director shall issue a written or electronic notice of **administrative completeness or deficiencies to a permit applicant within 15 business days**. If the Director determines that the application is not administratively complete, the Director shall include a comprehensive list of the specific deficiencies. **The administrative completeness review time frame and the overall time frame are suspended from the date the notice is issued until the date the Director receives the missing information from the applicant**. The Director may issue an additional written or electronic notice of administrative completeness or deficiencies based on the applicant's submission of missing information. **Once the application is administratively complete, the substantive review time frame begins and the Director shall respond to permit applications within 30 business days of receipt of a completed permit application**. During the substantive review time frame, the Director may make one comprehensive written or electronic request for additional information. The substantive review time frame and overall time frame are suspended from the date the request is issued until the date that the county receives the additional information from the applicant. **The total overall timeframe for the permit application process shall be 45 business days not counting time response time by the applicant**. By mutual written or electronic agreement, the Director and an applicant for a permit may extend the substantive review time frame and the overall time frame. An extension of the substantive review time frame and the overall time frame may not exceed twenty-five per cent of the overall time frame.
6. All Users shall reply to the Director and submit any permit application or questionnaire forms and any other related lists, plans, analyses, flow information or other materials, as requested by the Director, within 30 days of receipt of any such forms or requests unless an extension is granted.

Timeframes (ARS § 11-1605)

- Administrative Completeness Review– 15 days
- Substantive Review- 30 days
- May ask for more information once during each review
- Clock stops while waiting response from applicant
- May extend time by mutual written agreement up to 56 business days total



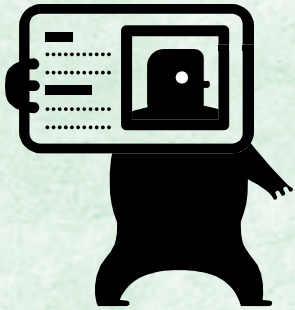
13.36.120 Fees

- Application fee increased to \$150 (IU) and \$800 (SIU)
- Refunds must be made if Licensing Time Frame is not met



13.36.130.L Inspection & Entry

- Language modified to reflect SB 1598 Notice of Inspection Rights per ARS § 11-1603-1606



13.36.130.M

Monitoring and Records

- Modified to include Streamlining requirement for BMP documentation



Reduced Reporting Option 13.36.160.E

- An Optional Streamlining Rule
- We **can** reduce reporting to once a year if not Categorical with a flow less than 5,000 gpd
- Must not have been in SNC for 2 years or have variable discharge

13.36.170.F Published List of SNC

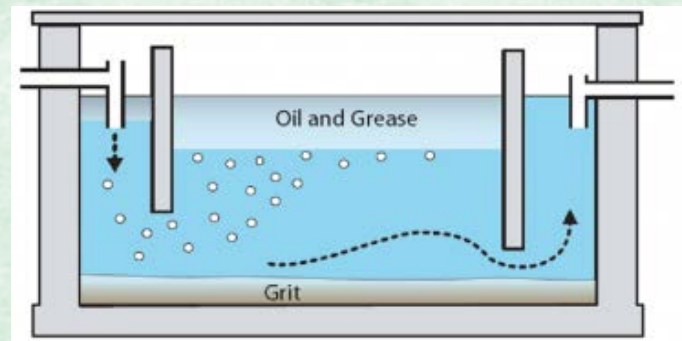
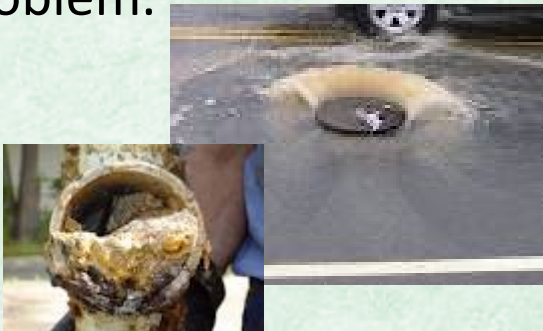
- Streamlining rules decrease the need to publish the names of Significant Violators
 - Only those causing:
 - Interference or Pass-through
 - Imminent endangerment to human health, welfare or the environment
 - Has resulted in the Director's exercise of emergency authority
 - Any other violation that the Director determines will adversely affect the operation or implementation of the local pretreatment program



Article XIV

Grease Management Program

- The purpose of these rules is to set forth uniform requirements for all Food Service Facilities that discharge into any public or private collection system connected to the POTW. Any new FSF or existing facility making a modification requiring the submittal of plans to Development Services must meet the requirements of this Grease Management Program. Facilities without pretreatment, or whose grease-bearing wastestreams are not connected to a pretreatment device, must upgrade their system to the requirements of this Ordinance or obtain an Industrial Wastewater Discharge Permit.
- Existing facilities that were built to previously adopted Plumbing Codes' standards need not bring current their pretreatment system unless they are found to have caused or contributed to a grease problem.



Grease Management Plan

- Outlines who needs a permit/pretreatment
 - Any facility with a 3 compartment sink
 - Exempts existing facilities built to a previous Plumbing Code unless they cause a problem
- What needs to be connected
- What type/size of pretreatment is required
 - Hydromechanical Grease Interceptor (HGI) aka grease trap – 25 gpm/50lb min w flow control
 - Gravity Grease Interceptor (GGI) – min 300 gallon
 - Provides DFU Table separate from IPC/UPC
- BMP's and Recordkeeping Requirements

Article XV Satellite Collection Systems

- Parameters set forth for Intergovernmental Agreement requirements for separate jurisdictions and Native American Nations
 - Agreement to adopt a pretreatment program or comply with Pima County's program
 - Agreement regarding enforcement authority
 - Operations & Maintenance Standards/Agreement
 - Connection & User Fee Agreements
 - Spill reporting, etc.



Enforcement Response Plan (ERP)

- 13.36.17.G of the existing ordinance required the development of an ERP
- The plan has been in place and adopted by the BOS since 1993
- The ERP has been updated to reflect revisions in the new ordinance; i.e. pH range 5-11

Supplemental Environmental Projects

- SEP's have been added to the ERP
- A SEP allows the County the ability to offer Users in Violation of the Ordinance the opportunity to use their Penalty to correct the issue causing Environmental harm
- The money goes to solving the problem, avoiding future violations



Questions?
Comments?
Etc.

