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PUBLIC UTILITIES CODE

ARTICLE 1

CRIT UTILITIES

[NOTE: Except as otherwise noted, the provision of Article 1 of the Public Utilities Code were enacted on March 13, 1986 by Ordinance No. 86-1.]

CHAPTER 1. GENERAL PROVISIONS

Section 1-101. Definitions.

In this Article, unless the context otherwise requires:

(A) "Sanitary waste water" means waste water or sewage derived principally from dwellings, business buildings, industries, institutions and the like, originating as waste from kitchens, water closets, lavatories, bathrooms and showers.

(B) "Services" means labor, professional service, water service, waste water service, solid waste service or electricity service.

(C) "Toxic substance" means any substance whether gaseous, liquid, or solid, which when discharged in to a waste water sewer system in sufficient quantities may tend to interfere with any waste water treatment process, or constitute a hazard to humans or animals, or inhibit aquatic life or create a hazard to recreation in receiving waters.

(D) "Unit of service" means each separate residence, house, store, or building, or aggregate of residences, houses, stores, or buildings, so situated within the Colorado River Indian Reservation that the same might practicably be, or now is, served by any utility system owned or operated by the Colorado River Indian Tribes.

(E) "User" means any person or unit of service receiving utilities services.

(F) "Utility Board" means the Colorado River Indian Tribes Utility Board.

Section 1-102. Provisions Part of Contract.

All provisions contained in this Article, and any regulations promulgated by CRIT Utilities, shall be considered a part of the contract of every user taking service from CRIT Utilities and each such user taking service shall be considered as having expressly consented to be bound thereby.

CHAPTER 2. UTILITIES ADMINISTRATION

Section 1-201. Establishment of CRIT Utilities.

There is hereby established an enterprise of the Colorado River Indian Tribes to be known as CRIT Utilities, to consist of the Utility Director and such other persons as from time-to-time shall be designated to carry out the duties of CRIT Utilities.

Section 1-202. Rules and Regulations.

CRIT Utilities is authorized to issue such rules and regulations as are deemed necessary to carry out the provisions of this Article, upon obtaining prior approval of the Tribal Council Administrative Committee.

Section 1-203. Property.

Title to all property purchased or acquired by CRIT Utilities shall be taken in the name of the Colorado River Indian Tribes doing business as CRIT Utilities.

Section 1-204. Duties.

It shall be the duty of CRIT Utilities to manage and control all matters pertaining to all water, waste water and solid waste management systems owned or operated by the Colorado River Indian Tribes. CRIT Utilities shall perform, or cause to be performed, all acts that may be necessary for the prudent, efficient, and economical management and protection of all water, waste water and solid waste management systems owned or operated by the Colorado River Indian Tribes, including all duties specifically enumerated in this Article.

Section 1-205. Utility Board.

There is hereby established a Utility Board comprised of such persons as are appointed by the Tribal Council:

(A) It shall be the duty of the Utility Board to perform or cause to be performed, all of the duties enumerated in this Article and the CRIT Utilities Plan of Operations.

(B) It shall be the duty of the Utility Board to supervise and direct the Utility Director in the performance of his duties.

Section 1-206. Duties of Utility Director.

(A) It shall be the duty of the Utility Director to perform, or cause to be performed, all the duties required of CRIT Utilities, and all of the duties of the Utility Director specifically enumerated in this Article and in the CRIT Utilities Plan of Operations.

(B) In the performance of his duties, the Utility Director shall be under the immediate supervision and direction of the Utility Board.

CHAPTER 3. WATER SERVICE.

Section 1-301. Service Required.

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(A) Except as otherwise provided in this Article, all persons residing in or occupying a unit of service shall be required to accept water service from water systems operated by the CRIT Utilities.

(B) Any resident or occupant of a unit of service may utilize a private source of water and refuse such service, but only where such person shall, at his own expense, have inspected and certified yearly by the Colorado River Indian Tribes Department of Health and Social Services that the water quality of said private source meets that Department's minimum safe drinking standards.

(C) For purposes of this Section, "private source of water" shall mean a water well located upon the premises of the unit of service or immediately adjacent thereto.

CHAPTER 4. WATER SERVICE EXTENSIONS

Section 1-401. Application.

A written application upon a form supplied by CRIT Utilities shall be made for extension of service beyond an existing main. The application shall be considered by the Utility Board at its next regularly scheduled meeting.

Section 1-402. Expenses.

The expense of extending service beyond an existing main shall be borne by the applicant. If CRIT Utilities is to order required installation materials for the applicant, payment in full for said materials must be made before the order will be placed by CRIT Utilities. CRIT Utilities may reimburse the applicant for costs of installation by an allowance of up to fifty percent (50%) of the monthly water bill charge to the applicant for a period of five (5) years or until the materials and costs of installation have been reimbursed, whichever occurs first.

Section 1-403. Requirements.

(A) An affidavit certifying size and cost of the pipe, the cost of laying the pipe and digging of ditches, and other costs, shall be filed with CRIT Utilities and approved by the Utility Board before any agreement may be entered into with the applicant.

(B) All materials to be used in installation of a water line shall be approved by CRIT Utilities prior to installation. No reimbursement under the preceding Section shall be given for pipe less than two (2) inches in diameter.

(C) All pipe shall be laid by direction of the Utility Board under the supervision of the Utility Director.

(D) Charges made to an applicant shall not exceed the cost of a two-inch line.

(E) A grant of right-of-way for the subject premises in a form acceptable to the Utility Director shall accompany all applications for extension of service. No application shall be approved without such a grant of right-of-way.

Section 1-404. Ownership.

Any and all pipe laid outside of the property line of an applicant shall be the property of CRIT Utilities. CRIT Utilities shall have the right to connect and give service to any other applicant that may desire service from the pipe so laid.

CHAPTER 5. METERS AND CONNECTIONS

Section 1-501. Installation and Maintenance of Meters.

(A) All persons owning, leasing or residing in or occupying any unit of service shall permit the installation of a water service connection, including pipe, water meter and meter box, as may be required to permit service and delivery of water by CRIT Utilities to each such unit of service.

(B) All meters shall be installed, and all water connections with the mains shall be made, by CRIT Utilities. Where possible, meters shall be numbered in such a manner that they will be indicative of the block and lot number, if any, of the unit of service. Except as otherwise provided in this Chapter, the customer must maintain all water connections from the meter to within his property.

(C) All meters, except in cases where they are negligently, carelessly, or willfully damaged by the customer, shall be maintained by CRIT Utilities. The customer shall bear the burden and responsibility of proving that his negligence, carelessness, or willfulness did not cause any damage.

Section 1-502. Alterations of Water Connections.

Any customer now receiving service from CRIT Utilities, or who may hereafter receive service, who desires to make any change or alteration in existing water connections, shall be required to furnish CRIT Utilities with a statement of the change or alteration to be made. Written permission from the Utility Director shall be received before any proposed change or alteration is made.

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Section 1-503. Meter Tests.

(A) It shall be the privilege of each customer to insist upon a meter test when such customer has deposited Five Dollars (\$5.00) with CRIT Utilities. Upon receipt of said deposit the meter shall be tested. In the event the tested meter is found to be registering correctly, the deposit shall be retained by CRIT Utilities for the extra service rendered. In the event the tested meter should be found to be defective, it shall be repaired or replaced by CRIT Utilities and the deposit shall be refunded.

(B) When a meter is found to be defective, the charge for any month affected shall be adjusted to an average based upon the three (3) succeeding months, and such meter shall be replaced or repaired immediately.

Section 1-504. Tampering with Meters.

Meters shall be sealed by an authorized CRIT Utilities' official in such a manner as to prevent, without breaking the seal, all tampering with, or damage to, the mechanism.

CHAPTER 6. WASTE WATER SERVICE.

Section 1-601. Service Required.

All persons residing in or occupying a unit of service shall be required to accept waste water service from systems operated by CRIT Utilities when such service is available under guidelines established by the Utility Board and, in all cases, where a unit of service is within 200 feet of a waste water system.

CHAPTER 7. WASTE WATER SERVICE EXTENSIONS

Section 1-701. Application.

A written application upon a form supplied by CRIT Utilities shall be made for extension of service beyond an existing main. The application shall be considered by the Utility Board at its next regularly scheduled meeting.

Section 1-702. Expenses.

The expense of extending service beyond an existing main shall be borne by the applicant. If CRIT Utilities is to order required installation materials for the applicant, payment in full for said material must be made before the order will be placed by CRIT Utilities. CRIT Utilities may reimburse the applicant for costs of installation by an allowance of up to fifty percent (50%) of the monthly waste water service bill charge to the applicant for a period of five (5) years or until the materials and costs of installation have been reimbursed, whichever occurs first.

Section 1-703. Requirements.

(A) An affidavit certifying size and cost of the pipe, the cost of laying the pipe and digging of ditches, and other costs, shall be filed with CRIT Utilities and approved by the Utility Board before any agreement may be entered into with the applicant.

(B) All materials to be used in installation of a waste water main shall be approved by CRIT Utilities prior to installation. No reimbursement under the preceding Section shall be given for pipe less than eight (8) inches in diameter.

(C) All pipe shall be laid by direction of the Utility Board under the supervision of the Utility Director.

(D) Charges made to an applicant shall not exceed the cost of a four-inch line.

(E) A grant of right-of-way for the subject premises in a form acceptable to the Utility Director shall accompany all applications for extension of service. No application shall be approved without such a grant of right-of-way.

Section 1-704. Ownership

Any and all pipe laid outside of the property line of an applicant shall be the property of CRIT Utilities. CRIT Utilities shall have the right to connect and give service to any other applicant that may desire service from the pipe so laid.

Section 1-705. Alterations of Waste Water Connections.

Any customer now receiving service from CRIT Utilities, or who may hereafter receive service, who desires to make any change or alteration in existing waste water connection, shall be required to furnish CRIT Utilities with a statement of the change or alteration to be made. Written permission from the Utility Director shall be received before any proposed change or alteration is made.

CHAPTER 8. DISCHARGE

Section 1-801. Duty of Utility Director to Determine Acceptability.

The Utility Director shall determine the acceptability or unacceptability of discharge into any waste water system operated by CRIT Utilities. Such a determination shall be made on the basis of sound engineering and operational evaluations, taking into consideration the nature and concentration of the discharge, its points of entry into a waste water system, its compatibility with other discharges in a waste water system, its compatibility with the treatment facility receiving it and all other factors pertinent to the effect of the discharge on any part of a waste water system or treatment process.

Section 1-802. Unacceptable Discharge.

(A) Unacceptable discharges shall include, but not be limited to, those which:

(1) Contain materials or substances which would constitute a hazard to the health and well being of personnel engaged in inspection, maintenance, and operation of a waste water system.

(2) Contain toxic materials or substances.

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(3) Contain materials or substances which are in any way deleterious to any part of a waste water system.

(4) Contain concentrations of any toxic or deleterious materials or substances in excess of limits set thereon by the Utility Director.

(5) Cause CRIT Utilities to incur excessive expense in the handling or treatment thereof.

(6) Are incompatible with the treatment process or inhibit the performance of the treatment process at a treatment facility operated by CRIT Utilities.

(7) Are of such volume or contain such biochemical oxygen demand, suspended solids, or other material load which could cause a treatment facility to exceed its design capabilities.

(8) Cause a treatment facility operated by CRIT Utilities to fail to meet effluent requirements set by applicable law.

(9) Cause effluent to have a degrading effect on a receiving body of water.

(10) Contain viable pathogenic organisms in such quantities as to be a hazard to public health.

(B) The following materials, among others, shall be considered to be unacceptable discharges except in small quantities or concentrations as allowed in the discretion of the Utility Director:

(1) construction materials, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, fur, any solid or viscous substance capable of causing obstruction to the flow in a waste water system or other interference with the proper operation of a waste water system;

(2) gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solids, or gases;

(3) steam or hot water above 150 degrees Fahrenheit (65 degrees Centigrade);

(4) water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 33 degrees Fahrenheit (1 degree C. and 65 degrees C.);

(5) water or wastes having a pH lower than 5.5 or higher than 10 or having any other corrosive property apt to cause damage or hazard to structures, equipment of a waste water system, or personnel employed in its operations;

(6) water or waste containing readily releasable cyanide (cyanide released at a temperature of 150 degrees Fahrenheit (65 degrees C. and pH 2.5) in excess of 1 milligrams per liter; water or waste containing total cyanide in excess of 5 mg/l;

(7) coal tar, its derivatives and waste;

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(8) liquids or wastes containing toxic or poisonous substances in sufficient quantities or rate of flow as to injure or interfere with any treatment process, to constitute a hazard to humans or animals, or to create any hazard in receiving waters.

(C) The Utility Director may refuse to accept any discharge which is determined by the Utility Director to be unacceptable.

Section 1-803. Pretreatment.

(A) The person responsible for any discharge determined by the Utility Director to be unacceptable may apply to the Utility Director for permission to pretreat such discharge by the use of a method of pretreatment designed to render said discharge acceptable. The acceptability of a pretreatment method shall be determined by the Utility Director on the basis of sound engineering and operational evaluations, taking into consideration all factors pertinent to the effect of the discharge both before and after pretreatment on any part of a waste water system.

(B) Pretreatment facilities shall at all times be subject to inspection by the Utility Director.

(C) All costs incident to pretreatment and all expenses incident to the acquisition, installation, operation, maintenance, and repair of pretreatment facilities shall be borne by the user. In addition, any extraordinary administrative or investigative expenses incurred by CRIT Utilities as a result of the installation and use of pretreatment facilities shall be borne by the user.

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Section 1-804. Conditional Acceptance.

(A) Certain toxic substances and pathogenic bacteria, admission of which into a water waste system would otherwise be prohibited, shall be acceptable in a discharge if:

(1) reduced by treatment at the source to a point that will meet the standards set by this Article and regulations promulgated by CRIT Utilities.

(2) discharged in such small concentrations so as to not be injurious to personnel, waste water systems, receiving waters, or any biochemical, biological or other waste water treatment process. The following substances may be accepted for discharge in such amounts as are acceptable under United States Environmental Protection Agency standards:

(a) alcohols, antibiotics, arsenic, arsenicals, bromine, iodine, chlorine, copper, copper salts, cresols, creosotes, fluorine, formaldehydes, mercury, mercurials, phenols, phenol derivatives, silver, silver compounds, silvermides, toxic dyes (organic and mineral), or zinc;

(b) strong oxidizing agents such as chromates, dichromates, permanganates or peroxides;

(c) chemical compounds producing toxic flammable or explosive gases either upon acidification, alkalization, oxidation or reduction;

(d) strong reducing agents such as nitrates, sulphides, sufites, and thiosulphites;

(e) waste from industrial processes, hospital procedures or commercial processes containing viable pathogenic organisms.

(B) Any discharge containing garbage may be made acceptable by means of grinding and dilution. Provided however, that the installation of and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 HP metric) or greater shall be subject to review and approval by the Utility Director prior to installation and operation and to periodic inspection by the Utility Director thereafter.

(C) Any water or wastes which contain acids or bases shall be neutralized, diluted or subjected to some other acceptable method of pretreatment in order to render them acceptable to Utility Director prior to discharge to a waste water system. If necessary, the use of automatically operating diluting or neutralization and monitoring equipment shall be required. If, upon neutralization, the discharge is sufficiently high in ionic strength as to continue to be unacceptable, further pretreatment shall be required.

(D) CRIT Utilities shall, by regulation, set maximum allowable values for certain materials in, or characteristics of, waste water entering a waste water system. Notwithstanding such regulations, the maximum allowable values for the following materials in, or characteristics of, waste water shall be:

<u>Material or Characteristic</u>	<u>Maximum Allowable Value</u>
Boron	1.0 ppm
Chromium, total	10.0 ppm

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Copper	10.0 ppm
Cyanides	2.0 ppm
Cadminum	2.0 ppm
Lead	0.1 ppm
Mercury	2.0 ppm
Nickel	10.0 ppm
Zinc	10.0 ppm
Iron	25.0 ppm
Phenols	0.5 ppm
Biochemical Oxygen Demand	210.0 ppm
Suspended Solids	210.0 ppm
pH	.5-9.5 ppm
Temperature	105 Degrees F.

Section 1-805. Discharge Agreements.

Whenever necessary to carry out the provisions of this Article, CRIT Utilities may enter into discharge agreements with users of a waste water system. Such agreements shall be subject to the prior approval of the Utility Board.

Section 1-806. Discharge of Unpolluted Water Where Storm Waste Water System is Available.

Whenever separate storm and sanitary waste water systems are provided, required, or in use in any area of the Colorado River Indian Reservation, all unpolluted water including storm water, surface water, ground water, roof-runoff, uncontaminated cooling water, subsurface drainage, or unpolluted industrial process water shall be discharged to a storm waste water system. Whenever, any such unpolluted water is found to be discharged into a sanitary waste water system, the Utility Director shall require such discharge to be connected to a storm waste water system at the expense of the user.

Section 1-807. Odor Control.

It shall at all times be the responsibility of the user to eliminate or control the emission of offensive odors from units of service to a waste water system or the development of offensive odors in a system as the result of a discharge. Whenever the Utility Director determines that offensive odors emanating from units of service or resulting from a discharge are present in a system, he shall require the user to take whatever steps are necessary to eliminate such odors from the system. All costs and expenses related to the elimination or control of odors shall be borne by the user.

Section 1-808. Prevention of Accidental Release of Unacceptable Discharge.

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(A) The user of a waste water system operated by CRIT Utilities shall take adequate precautions to prevent accidental spillage of unacceptable discharge to the waste water system.

Section 1-809. Notification of Accidental Release of Unacceptable Discharge.

(A) In the event of any accidental release into a waste water system of any unacceptable discharge, it shall be the responsibility of the user to notify CRIT Utilities and the CRIT Police Department immediately, and in no case, later than one (1) hour following such a discharge so that remedial action can be taken.

Section 1-810. Remedial Action.

In addition to the penalties and remedies provided in Chapter 12, the Utility Director shall, upon determination that an accidental release of an unacceptable discharge has occurred, require the user to take such action as is necessary to prevent all further unacceptable discharge.

CHAPTER 9. EXPANSION OR CONSTRUCTION OF WASTE WATER SYSTEMS

Section 1-901. Expansion or Construction Directed by Tribal Council.

CRIT Utilities may expand or construct a waste water system upon the direction of the Tribal Council of the Colorado River Indian Tribes.

Section 1-902. Expansion or Construction Agreements.

CRIT Utilities may enter into agreements for the expansion or construction of a waste water system. Such agreements shall be subject to the prior approval of the Tribal Council of the Colorado River Indian Tribes. All Agreements authorized by this section shall:

- 1) require conformance with the construction standards established by this Article and regulations promulgated by CRIT Utilities.
- 2) require the transfer of the expansion or construction to the Colorado River Indian Tribes at a mutually agreeable date.

Section 1-903. Public Easement.

No waste water system shall be expanded or constructed on the Colorado River Indian Reservation unless it is in a public right-of-way or easement of a minimum width of twelve (12) feet. The Utility Director may require a right-of-way or easement in excess of twelve (12) feet in width when necessary during construction.

Section 1-904. Construction Standards.

(A) Any expansion or construction of a waste water system on the Colorado River Indian Reservation shall be in compliance with the provisions of this Article, all other applicable law, regulations promulgated by CRIT Utilities and most current edition in Recommended Standards for Sewage Works Standards published by Health Education Services, Albany, New York.

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(B) All construction shall be performed under the inspection of CRIT Utilities and with the advice of United States Indian Health Service when requested by CRIT Utilities.

(C) In no case shall common plumbing to two or more lots be allowed.

CHAPTER 10. ESTABLISHMENT AND DISCONTINUANCE OF SERVICE RATES; RATES

Section 1-1001. Request for Service.

(A) Requests for utility service shall be by application to CRIT Utilities.

(B) A minimum tap-on charge shall be paid prior to the commencement of service.

(C) A deposit shall be collected on each utilities service customer account at a rate equal to the minimum monthly rate for service to each respective unit of service. Upon discontinuance of service, any and all deposits shall be returned after all bills and other charges have been satisfied.

Section 1-1002. Rates.

Rates and any other charges for services shall be at rates and for terms as determined by the Utility Board.

Section 1-1003. Discontinuance of Service; Notice.

Any customer who desires to discontinue utility service shall give notice to CRIT Utilities five (5) days in advance of intended termination of service. Responsibility for services shall extend to the time of departure or to the time specified for departure, whichever occurs later.

CHAPTER 11. BILLING.

Section 1-1101. Payment of Bills.

(A) All utilities service bills shall be due and payable to CRIT Utilities on or before the fifteenth day of the month following that for which the bill is rendered.

(B) Upon failure of a customer to pay a utilities service bill when due and payable, utilities service may be discontinued without further notice to the customer. Water service to a unit of service will be disconnected before waste water service is disconnected. Thereafter, if payment of all utilities bills is not forthcoming, waste water service shall be disconnected.

(C) Utilities service may be discontinued to any customer who is delinquent in the payment of any utilities service bill for services rendered to a previous location, whenever such bill is not paid within twenty (20) days after presentation at the new location. The Utility Director may refuse to provide utilities service to any person who is delinquent in the payment of any previous utilities service bill.

(D) In the event service to a customer has been discontinued for nonpayment of a utilities service bill as herein provided, service shall be resumed only upon the payment of all money due for utilities service billed through CRIT Utilities, plus payment of a reasonable resumption-of-service fee set by the Utility Board and a deposit in the

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amount of approximately twice the average or anticipated monthly bill of the customer as estimated by the Utility Director.

Section 1-1102. Proration of Charges.

If a customer orders service discontinued or resumed during any month, the minimum charge for such month shall be the full minimum monthly payment.

Section 1-1103. Payment Responsibility.

The owner of each unit of service shall be responsible for payment of all utilities service bills. CRIT Utilities shall not receive payment from a tenant unless the tenant pays the full amount of the charges billed to the respective unit of service.

Section 1-1104. Consolidation of Utilities Service Bills.

(A) CRIT Utilities may, as a matter of convenience, consolidate the billing and collection of all charges for water service, waste water service, sanitation fees and charges, solid waste pickup and disposal fees and charges, and any other such fees.

(B) When charges for utilities service are consolidated as provided by subsection (A), failure to pay any one charge shall be deemed a failure to pay the utilities service bill and shall subject the customer to discontinuance of utilities service as specified in Section 1-1101.

CHAPTER 12. VIOLATIONS; PENALTIES

Section 1-1201. Unlawful Acts.

It is Unlawful:

(1) For any person to break or remove a seal, tamper with, or willfully damage any portion of a utilities system operated by CRIT Utilities.

(2) For any person, by false key or otherwise, after service has been discontinued to a particular unit of service, to fraudulently cause such unit of service to be supplied with utilities;

(3) For any unauthorized person to knowingly have and keep in possession or under his control any meter box key, valve key or hydrant wrench to any utilities system operated by CRIT Utilities;

(4) For any person, without authority from the Utility Director, to make, construct, buy, sell or in any way dispose of, any meter box, box key, valve key, or hydrant wrench for use on any utilities system operated by CRIT Utilities;

(5) For any person to knowingly, without lawful authority, obtain property or services of another by means of any material misrepresentation with intent to deprive him of such property or services;

(6) For any person to release or cause to be released or allow to run, leak, or escape into any utilities system operated by CRIT Utilities any unacceptable discharge.

(7) For any person to cause storm water, ground water, or any other unauthorized water or material to enter a waste water system operated by CRIT Utilities. The following actions shall be deemed to be in violation of this Subsection:

(a) discharging sanitary waste water from a septic tank truck without authorization;

(b) tying downspouts of air conditioning condensate lines into a waste water system;

(c) opening manhole lids to allow drainage;

(d) dumping garbage, refuse or other wastes in manholes;

(e) draining swimming pools into a waste water system;

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(f) causing or allowing any substance not considered sanitary waste water or not paid for as sanitary waste water, to enter a waste water system.

Section 1-1202. Criminal Penalties.

Any person violating a provision of Section 1-1201 is guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six (6) months, or both. Each day during which any such violation shall continue, shall constitute a separate offense, punishable as herein provided.

Section 1-1203. Civil Penalties.

Any person violating a provision of Section 1-1201 shall forfeit to the Colorado River Indian Tribes in a civil action a sum of not more than Five Hundred Dollars (\$500.00) for each violation. Each day during which any such violation shall continue shall constitute a separate civil violation.

Section 1-1204. Restitution.

In addition to the penalties provided in this Chapter, any person violating a provision of Section 1-1201 shall make full resitiution to CRIT Utilities.

CHAPTER 13. APPEALS; LIABILITY

Section 1-1301. Appeal Procedure.

Disputes and/or complaints, except employment disputes, shall be submitted in writing to the Utility Director. The Utility Director shall make every effort to resolve the matter and shall, at a minimum, respond in writing to the disputant/complainant. The Utility Director's written response shall include a statement that further appeal may be pursued before the Utility Board by making a written request thereto within thrity (30) days after the date of the Director's written response. Decisions rendered by the Utility Board shall be final.

Section 1-1302. Liability.

CRIT Utilities shall not be held liable for any damages resulting from the establishment or discontinuance of utilities service, whether with or without notice, or for any damages resulting from the delay of extension of service beyond an existing main, or for any other damages resulting from circumstances beyond the control of CRIT Utilities. CRIT Utilities will not be liable for any act or omission caused directly or indirectly by strikes, labor disputes, accidents, litigation, shutdowns for repairs or adjustments, interference by governmental agencies, failures of electric power, Acts of God or other causes beyond its control.

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ARTICLE 2
INDUSTRIAL WASTE DISCHARGE

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ARTICLE 2

INDUSTRIAL WASTE DISCHARGE

[NOTE: Except as otherwise noted, the provisions of Article 2 of the Public Utilities Code were enacted on July 17, 1991 by Ordinance No. 91-1.]

CHAPTER 1. GENERAL PROVISIONS

Section 2-101. Findings and Purposes

Findings of the Tribal Council:

(A) As the sole source of regulatory authority on the Colorado River Indian Reservation, the Colorado River Indian Tribes must enact an industrial waste discharge ordinance and delegate authority to the Joint Venture to enable the Joint Venture to administer and take enforcement action against violators of the Tribe's ordinance.

(B) Pursuant to this ordinance the Colorado River Indian Tribes intends to delegate to the Joint Venture the enforcement power necessary to implement the Joint Venture's authority stated in the ordinance and that all such delegated authority is also concurrently and independently retained and exercisable by the Tribe and the Tribal Environmental Protection Officer pursuant to Tribal ordinance and practice and that all civil, regulatory and criminal penalties under Tribal law, now in force and hereinafter enacted, shall concurrently and independently apply to violations of this ordinance, in addition to any penalties or violations of any regulations or laws stated in the ordinance.

(C) The purpose of this Ordinance is to provide for the protection of the Colorado River Sewage System Joint Venture sanitary sewage system, groundwater resources, and effluent-receiving waterways through adequate regulation of industrial wastewater discharges and to enable the Colorado River Sewage System Joint Venture to comply with all applicable Tribal, State and Federal Laws required by the Clean Water Act of 1979 and the General Pretreatment Regulations (40 CFR, Part 403).

Section 2-102. Purposes

(A) This ordinance provides for regulation of direct and indirect contributors to the Joint Venture wastewater system through enforcement of general requirements for users and authorities, monitoring and enforcement activities that require user reporting, assuming that existing customer's capacity will not be preempted, and providing for the setting of fees for the equitable distribution of costs resulting from the program established here.

(B) The objectives of this ordinance are:

- (1) To prevent introduction of pollutants into the Joint Venture wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent introduction of pollutants into the Joint Venture wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system; and
- (4) To provide for equitable distribution of the cost of the Joint Venture wastewater system.

Section 2-103. Short Title

This ordinance shall be known as the Industrial Waste Discharge Ordinance.

CHAPTER 2. DEFINITIONS AND ABBREVIATIONS

Section 2-201. Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

(A) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

(B) Approval Authority. The State department of environmental quality director in an NPDES State with an approved State pretreatment program and the Administrator of the EPA and the Tribal Environmental Protection Officer in a non-NPDES State without an approved State Pretreatment Program.

(C) Authorized Representative. An authorized representative of an Industrial User may be:

- (1) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- (2) a general partner or proprietorship; or
- (3) a duly authorized representative of the individuals designated above. The authorized representative of an industrial user shall be named by official title only in the Industrial Wastewater Discharge Permit.

(D) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure,

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five (5) days at twenty degrees centigrade (20° C.) expressed in terms of weight and concentration [milligrams per liter (mg/l)].

(E) A sewer conveying wastewater from the premises of a User to the JVOTW.

(F) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.

(G) Compliance Schedule. Increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of pretreatment facilities.

(H) Control Authority. The term or name control authority shall refer to the Approval Authority, defined hereinbefore; or the Manager of the Colorado River Sewage System Joint Venture if the Joint Venture has an approved Pretreatment Program under federal or State laws or regulations.

(I) Cooling Water. The waste discharged from any use, such as air conditioning, cooking or refrigeration, or to which the only pollutant added is text.

(J) Days. Any specific reference to a number of days shall be calendar days unless otherwise specified in the text.

(K) Direct Discharge. A discharge of treated or untreated wastewater directly into the JVOTW without prior mixing with other wastewater.

(L) Discharge. The intentional or unintentional release of a substance into the JVOTW.

(M) Discharge Limit. A limit of the amount of pollutant which is discharged to the JVOTW. This limit is specific for a controlled pollutant. The limit may be expressed as milligrams per liter (mg/l) or similar appropriate units, or as a mass of specific amount per unit of time.

(N) Discharge Strength. The actual amount of pollutant which is discharged expressed a concentration or as a total amount in a given time.

(O) Environmental Protection Agency, or EPA. The United States Environmental Protection Agency or Tribal environmental protection agency or office, where the context so permits.

(P) Existing Industrial Users. Any Industrial user discharging pollutants at the time this Ordinance goes into force.

(Q) Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

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(R) Holding Tank Waste. Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump trucks.

(S) Indirect Discharge. The discharge or introduction of nondomestic pollutants from any source regulated under Section 307 (b) or (c) of the Act, (33 U.S.C. § 1317), into the JVOTW (including holding tank waste discharged into the system).

(T) Industrial User. A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act. (33 U.S.C. § 1342).

(U) Industrial Wastewater. Any discharge to the Joint Venture Owned Treatment Works of solid, liquid or gaseous waste resulting from any industrial, institutional, governmental, treatment, manufacturing, reclamation, trade of business process or from the development, recovery, processing, or reprocessing of natural resources.

(V) Industrial Wastewater Discharge Permit. A written authorization by the Manager which allows the discharge to the Joint Venture Owned Treatment Works of industrial wastewater containing pollutants controlled by any Permit requirement imposed by this Ordinance.

(W) Interference. The inhibition or disruption of the JVOTW treatment processes or operations which contributes to a violation of any requirements of the Joint Venture's NPDES Permit, Reclaimed Wastewater reuse Permit, Groundwater Discharge Permit, and/or effluent quality requirements. The term includes prevention of sewage sludge use or disposal by the JVOTW in accordance with Section 405 of the Act. (33 U.S.C. § 1345), or any criteria, 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 JVOTW.

(X) Joint Venture Owned Treatment Works (JVOTW). This includes any and/or all of the wastewater collection and treatment systems which are owned and operated in part or in whole by the Colorado River Sewage System Joint Venture as defined by Section 212 of the Act (33 U.S.C. § 1292). This definition includes any sewers that convey wastewater to the JVOTW treatment plant but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this Ordinance, "JVOTW" shall also include any sewers that convey wastewater to the JVOTW from persons outside the service area who are, by contract or agreement with the Joint Venture, Users of the JVOTW.

(Y) JVOTW Treatment Plant. That portion of the JVOTW designed to provide treatment to wastewater.

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(Z) Manager. The Manager of the Colorado River Sewage System Joint Venture of his designated representative.

(AA) National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of Industrial Users.

(BB) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, § 403.5.

(CC) New Source. Any source, the construction of which is commenced after the publication of proposed regulations prescribed as Section 307(C) (33 U.S.C. § 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(DD) National Pollutant Discharge Elimination System or NEDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

(EE) Owner. Property Owner.

(FF) Permit. An industrial Wastewater Discharge Permit when spelled with a Capital "P".

(GG) Permit Holder. A user who has been issued an industrial wastewater Discharge Permit.

(HH) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

(II) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per littler of solution.

(JJ) Pollutant. Something that causes pollution, including but not limited to dredged spoil, solid waste, incineration residue, sewage, garbage, sewage screening, munitions, sewage sludge, chemical wastes, biological materials, wrecked or discharged equipment, cellar dirt, radioactive materials, heat, rock, sand, and industrial, municipal and agricultural waste discharged into the Joint Venture Owned Treatment Works (JVOTW) and into water.

(KK) Pollution. The addition of physical, chemical, biological or radioactive substances to, or the alteration of, the thermal properties of any wastewater.

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(LL) Pretreatment. The physical, chemical, biological, or other alteration of pollutants in wastewater prior to discharge to the Joint Venture Owned Treatment Works for the purpose of (1) reducing the amount of any pollutant, (2) eliminating the discharge of any pollutant, or (3) altering the nature of any pollutant to a less harmful state.

The reduction or alteration can be obtained by physical, chemical, or biological processes or process changes from other means, except as prohibited by 40 CFR § 403.6(d).

(MM) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

(NN) Prohibited Wastes. Wastes which may not be discharged to the JVOTW.

(OO) Schedule of Construction. A sequence of events necessary for completion of spill protection facilities.

(PP) Shall, Must and May. Shall and Must are mandatory; may is permissive.

(QQ) Significant Industrial User. Any Industrial User of the Joint Venture's wastewater disposal system who (1) has a discharge flow of 25,000 gallons or more per average work day, or (2) has a flow greater than 5% of the flow in the Joint Venture's wastewater treatment system, or (3) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or State statutes and rules, or (4) is found by the Joint Venture, State departments, or the EPA, U.S. or Tribal, to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

(RR) Slug Load. Any pollutants discharged during a fifteen (15) minute period in any amount which is greater than five times the average twenty-four concentration, quantity, or flow rate for such pollutant.

(SS) Spill Protection Facilities. Physical barrier which provides protection from accidental discharge or spill into the sewer system of prohibited, hazardous, or other waste materials which are regulated through this ordinance.

(TT) State. Colorado River Indian Tribes ("Tribe") acting under its inherent regulatory authority, or when otherwise preempted by valid Federal laws, under delegated authority from the Federal government, and the State of Arizona acting only under delegated authority pursuant to valid Federal laws and until superseded by the Tribe.

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(UU) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(VV) Storm Water. Any flow occurring during the following any form of natural precipitation and resulting therefrom.

(WW) Suspended Solids. The total suspended matter that floats on the surface of/or is suspended in water, wastewater, or other liquids, and which is removable by laboratory filtering.

(XX) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of GWA 307(a) or other Acts.

(YY) User. Any person making a discharge, allowing a discharge, or owning property from which a discharge is allowed into the Joint Venture Owned Treatment Works.

(ZZ) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, industrial treatment facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the JVOTW.

(AAA) Waters of the State. All streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, reservoirs, aquifers, accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the Colorado River Indian Reservation or any portion thereof.

(BBB) Colorado River Indian Reservation and Reservation. All land within the exterior boundaries of the Colorado River Indian Reservation.

Section 2-202. Abbreviations.

(A)	BOD	Biochemical Oxygen Demand
(B)	CFR	Code of Federal Regulations
(C)	COD	Chemical Oxygen Demand
(D)	EPA	Environmental Protection Agency
(E)	F.	Fahrenheit
(F)	JVOTW	Joint Venture Owned Treatment Works
(G)	l	Liter
(H)	mg	Milligrams

- (I) mg/l Milligrams per Liter
- (J) NPDES National Pollutant Discharge Elimination System
- (K) SIC Standard Industrial Classification
- (L) SWDA Solid Waste Disposal Act, 42 U.S.C., § 6901, et seq.
- (M) USC United States Code
- (N) TSS Total Suspended Solids

CHAPTER 3. POLLUTANTS, REGULATIONS

Section 2-301. Pretreatment

(A) Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment standards within the time limitations as specified by the Federal Pretreatment Regulations.

(B) Any facilities required to pretreat wastewater to a level acceptable to the Joint Venture shall be provided, operated, and maintained at User's expense. Detailed plans showing pretreatment facilities and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Joint Venture under the provisions of this Ordinance. Any subsequent changes in pretreatment facilities or methods of operation shall be reported to and be acceptable to the Joint Venture prior to User initiation of the changes.

(C) The Joint Venture may annually publish in a newspaper a list of the Users which were not in compliance with any Pretreatment Requirements of Standards at least once during the same twelve (12) months.

(D) All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

Section 2-302. Prohibited Wastes

(A) General Prohibitions

(1) No person shall discharge or cause to be discharged to any sewer, which directly or indirectly connects to the JVOTW, any wastewater which may have an adverse or harmful effect on the JVOTW, JVOTW personnel or equipment, JVOTW effluent quality, public or private property; or which may otherwise endanger the public, the environment, or create a public nuisance, or which exceeds limitations as set by this Ordinance or the Manager; or causes the JVOTW to violate State or Federal Regulations or Permits. Prohibited wastes described in this Section shall not be discharged to the JVOTW, or to any retention facility, such as but not limited to a sump, tank, clarifier, interceptor, piping of waste

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treatment system which normally drains or flows to the JVOTW collection or treatment systems. Any prohibited wastes found in any of these facilities shall be presumed to have been discharged to the JVOTW. Included within this prohibition is the discharge of any wastes which adversely affect water reclamation or sludge use.

(2) The Manager, in determining the acceptability of specific wastes, shall consider the nature of the waste and adequacy and nature of the collection, treatment and disposal system available to accept the waste.

(3) The Manager shall establish quantitative limitations for Users which, because of their location, quantity, or quality of discharge, may degrade wastewater quality to the level that it prevents or inhibits the JVOTW's efforts to reclaim the water or causes any unusual operation or maintenance problems in the JVOTW.

(4) These general prohibitions apply to all such users of a JVOTW whether or not the User is subject to National Categorical Pretreatment Standards or any other national, State, or local Pretreatment Standards of Requirements.

(B) Identification of Additional Prohibited Wastes

(1) When the Manager determines that a User is discharging to the JVOTW any wastes not identified as prohibited in such amounts as may interfere with the operation of the JVOTW, the Manager shall:

- (a) advise the User of the impact of the contribution on the JVOTW;
- (b) develop a discharge limitation for such User to correct the interference with JVOTW; and
- (c) require the User to obtain an Industrial Wastewater Discharge Permit.

(C) Prohibited Wastes and Discharge Limits

Except as provided in Chapter 4 of this Ordinance, prohibited waste shall include but not be limited to the following:

- (1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the JVOTW or to the operation of the JVOTW. At no time shall the successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%), of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline,

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kerosene, naptha, benzene, toluene, kylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfates, sulfides, and any other substances which the Joint Venture, the State, or EPA (U.S or Tribal) has notified the User is a fire hazard or a hazard to the system.

- (2) Any waste containing toxic or poisonous solids, liquids, or gases in such quantities that alone, or in combination with other waste substances, may create a hazard for humans, animals, animals, or the local environment; interfere detrimentally with wastewater treatment processes; cause a public nuisance; cause any hazardous condition to occur in the JVOTW; or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- (3) Any waste having a pH lower than 6.0, greater than 9.0, or having any corrosive or detrimental characteristics that may cause injury to the JVOTW or service and maintenance personnel.
- (4) Any solids or viscous substances of such size or in such quantities that they may cause obstruction to flow in the sewer or be detrimental to proper JVOTW operation. These objectional substances include but are not limited to asphalt, asphalt residuals, dead animals, ashes, cinders, sand, mud, straw, industrial process shavings, stone or marble dust, spent grains, spent hops, metal, glass, glass grinding or polishing wastes, rags, feathers, grass clippings, spent lime, tar, plastics, wood, blood, paunch manure, grease bones, hair fleshing, entails, paper cups, paper dishes, milk cartons or other paper products either whole or ground.
- (5) Any rain water, storm water, ground water, street drainage, roof drainage, yard drainage, water from yard fountains, ponds, swimming pools, lawn sprays, or any other uncontaminated water, except where prior approval for such discharge of uncontaminated water is given by the Manager.
- (6) Any water added for the purpose of diluting wastes which would otherwise exceed maximum concentration limits.
- (7) Any amounts of petroleum or mineral based cutting oils, commonly called soluble oil and which forms persistent water emulsions.
- (8) Any concentrations of nonbiodegradable oil, petroleum oil, or refined petroleum products in concentrations that would tend to cause adverse effects on the JVOTW.

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- (9) Any dispersed biodegradable oils, fats, and greases, such as lard, tallow, or vegetable oil, in concentrations that would tend to cause adverse effects on JVOTW.
- (10) Any waste with a concentration of cyanide that causes adverse effects in the JVOTW or passes through the JVOTW.
- (11) Any unreasonable large amount of undissolved solids.
- (12) Any wastes with excessively high BOD, COD, or decomposable organic content.
- (13) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (14) Any waste containing substances, including high pH material, which cause incrustation, scale, or precipitates on sewer walls or other adverse effects on the sewerage system.
- (15) Any substance promoting or causing the promotion of toxic gases.
- (16) Any wastewater having a temperature which will inhibit biological activity in the JVOTW treatment plan resulting in interference, but in no case wastewater with a temperature at the introduction into the JVOTW which exceeds 40° C. (104° F.).
- (17) Any wastes with a quantity of chlorine in excess of 10 mg./l.
- (18) Any excessive amounts of chlorinated hydrocarbon or organic phosphorous type compounds.
- (19) Any deionized water, steam condensate, or distilled water in amounts which cause problems with hydraulic loading.
- (20) Any waste containing substances that may precipitate, solidify, gel, polymerize, or become viscous under conditions normally found in the sewerage system.
- (21) Any waste producing discoloration of wastewater or treatment plant effluent, such as but not limited to dye wastes and vegetable tanning solutions.
- (22) Any garbage or waste, other than that normally found in domestic wastewater, that is not ground sufficiently to pass through a 3/8 inch screen.

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- (23) Any garbage or waste, excessive quantities of iron, boron, chromium, phenols, plastic resins, copper, nickel, zinc, lead, mercury, cadmium, selenium, silver, arsenic, or any other materials toxic to humans, animals, the local environment, or to biological wastewater treatment processes.
- (24) Any blow-down or bleed water from cooling towers or other evaporative coolers exceeding one-third of the makeup water.
- (25) Any single pass cooling or heating water.
- (26) Any excessive quantities of radioactive material wastes.
- (27) Recognizable portions of the human anatomy.
- (28) Any waste containing detergents, surface active agents, or other substances which may cause excessive foaming in the sewerage system.
- (29) Any sludge from water or wastewater treatment plants not owned and operated by the Colorado River Sewage System Joint Venture. The Manager may permit a User to discharge this substance, which is otherwise prohibited by the Ordinance, if he finds that the discharge will not adversely affect the operation of the sewerage system. No such permit shall be issued which would violate any other federal, State, or local rule, or regulation.
- (30) Any substance which may cause the JVOTW's effluent or any other product of the JVOTW, such as residues, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the JVOTW cause the JVOTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- (31) Any substance which will cause the JVOTW to violate its NPDES and/or State Reclaimed Wastewater Reuse Permit, and/or Ground-water Discharge Permit, or receiving water quality standards.
- (32) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a User knows or has reason to know will cause interference to the JVOTW. In no case shall a slug load have a flow rate or contain concentrations or pollutants that exceed for any time period longer than fifteen (15) minutes, nor more than

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five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(D) Federal Categorical Pretreatment Standards

Upon promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance or in a Permit issued by the Joint Venture for Sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance and/or the Permit. The Manager shall notify all affected users of applicable reporting requirements under 40 CFR, § 403.12.

(E) Modification of Federal Categorical Pretreatment Standards

Where the Joint Venture's wastewater treatment system achieves consistent removal or pollutants limited by Federal Pretreatment standards, the Joint Venture may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in 40 CFR § 403.7 (C)(2), Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Joint Venture may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR § 403.7, Part 403 are fulfilled and prior approval from Approval Authority is obtained.

(F) State, County, City, Requirements

State requirements and limitations, and if valid, county or city requirements and limitations, on discharges shall apply in any case where they are more stringent than Federal Requirements and limitations or those in this Ordinance or in a Permit issued by the Joint Venture.

(G) Excessive Discharge

No User shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Joint Venture or State.

(H) Additional Discharge Limits

(1) (a) The Manager shall, from time to time, establish quantitative or other limitations applicable to waste discharges when in his judgment it is necessary to protect the JVOTW, assure compliance with Federal and State

regulations, and if valid, county or city regulations; or protect public health or environmental quality.

(b) Such limitations shall apply at or upstream from any industrial wastewater monitoring facility or station prior to mixing with domestic wastewater unless the combined wastewater formula is used.

(2) Quantitative or other limitations intended for application to general Users and not for inclusion only on individual Permits shall be proposed to the Joint Venture Board of Directors by the Manager after a public hearing. The Manager shall provide notification at least forty-five (45) days prior to the public hearing by publication in a newspaper of general circulation in the Colorado River Sewerage System Joint Venture area by written notice to any person who has filed a request of notification with the Manager. The notice shall contain a brief description of the nature of the proposal to be considered and the time and place of the hearing. The Manager's recommendations and a report on the hearing shall be made to the Board of Directors for approval of discharge limits.

CHAPTER 4. HOSPITAL WASTES

Section 2-401. Regulated Facilities

(A) Hospitals, clinics, offices of medical doctors and veterinarians, mortuaries, morgues, and convalescent homes:

(1) After Manager approval, may discharge through a grinder installation, which installation will have inlet size and design features suitable for its intended use and so constructed that all particles pass through a maximum 3/8-inch long opening, wastes of the following categories:

(a) Wet organic kitchen wastes from food preparation and disposal but excluding all paper and plastic items.

(b) Infectious wastes, defined as:

(i) Laboratory and surgical operating room wastes except as excluded in (2) (b) below;

(ii) Wastes from outpatient areas and emergency rooms similar to those included in (1) (b) (i) above.

(2) Shall not discharge to the sewer by any means:

(a) Solid wastes generated in the rooms of patients who are isolated because of a suspected or diagnosed communicable disease;

(b) Recognizable portions of the humans anatomy;

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- (c) Equipment, instruments, utensils and other material of a disposable nature that may harbor or transmit pathogenic organisms and that are used in the rooms of patients having a suspected and diagnosed communicable disease which by the nature or the disease is required to be isolated by any Public Health Agency.
- (d) Waste excluded by other provisions of this Ordinance except as specifically permitted in (1) above.
- (e) All solid wastes not included in (1) above.

(B) Limit of Authority

Nothing in this section shall be construed to limit the authority of the Colorado River Sewage System Joint Venture or other health authority to reasonably define wastes as being infectious and, with the concurrence of the Manager, to require that they will not be discharged to the JVOTW.

(C) Pretreatment

Pretreatment may be required by the Manager.

CHAPTER 5. APPLICATIONS, PERMITS, AND REQUIREMENTS

Section 2-501. General Requirements

(A) Industrial Wastewater

No person shall discharge or cause to be discharged any Industrial wastewater directly or indirectly to the JVOTW without first obtaining Manager's approval, including any required Industrial Wastewater Discharge Permits. In approving discharges, the Manager shall set requirements at least as stringent as applicable Federal and State, and if valid, county or city, rules, regulations, or standards.

- (1) The Manager may require a separate Permit for each connection to the JVOTW.
- (2) The Manager may require a separate Permit from the owner or Manager of a shopping center or industrial park as well as each business in the center or park.

(B) Permit

All new significant Users proposing to connect to or to contribute to the JVOTW shall obtain an Industrial Wastewater Discharge Permit before connecting to or contributing to the JVOTW. All existing significant Users connected to or contributing to the JVOTW shall obtain an Industrial Wastewater Discharge Permit within sixty (60) days after the effective date of this ordinance.

(C) State and Federal Requirements

An Industrial User shall at all times comply with all applicable Federal rules, regulations, or standards or any applicable more stringent State, and if valid, county or city, regulations, or standards.

Section 2-502. Reporting Requirements

Permit holders discharging into the JVOTW will be required to file a periodic discharge report at time intervals to be determined by the Manager and specified in the Permit. In no event shall the report interval be more than one (1) year.

(A) Mandatory Report by all Permit Holders

The report shall include:

- (1) The name and address of the facility, the Permit number, and the names of the owners;
- (2) A brief description of the operation and hours of operation;
- (3) Information showing wastewater discharge quantities. Upon approval of the Manager, verifiable estimates flows may be used where justified by cost or feasibility considerations.

(B) Report when Required by the Permit

The report shall include the following when required by the permit:

- (1) The results of sampling and analysis. Results shall identify the nature and concentration (or mass) of regulated pollutants in the discharge of each process regulated by the Permit. Reporting requirements may include both instantaneous and average concentrations.
- (2) A schedule of cleaning, pumping, or hauling as specified in the permit.
- (3) The reporting of the chemical constituents and quantities of liquid, gaseous, or solid materials stored on the site even though they may not normally be discharged. The Manager may

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require the reporting of other information to assist in the implementation of this Ordinance.

(C) Reports for Users Subject to Federal Categorical Pretreatment Standards

(1) Compliance date report:

Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of Wastewater into the JVOTW, any User subject to Pretreatment Standards and Requirements shall submit to the Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for the process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis, and, if not, what additional Operation and Maintenance and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User and certified to by a qualified Professional Engineer registered in the State of Arizona.

(D) Periodic Compliance Reports

(1) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the JVOTW, shall submit to the Manager during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Manager, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow in Section 2-507 (A) (3) of this Ordinance. At the discretion of the Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Manager may agree to alter the months during which the above reports are to be submitted.

(2) The Manager may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (C) (1) and (D) (1) of this Section, shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall

contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Managers, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment standards. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to section 504(g) of the Act and contained in 40 CFR, Part 136, and amendments thereto, or with any other test procedures approved by the Approval Authority. Sampling shall be performed in accordance with the techniques approved by the Approval Authority.

Where 40 CFR, Part 136, does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, sampling and Analysis Procedures for Screening of Industrial Effluent or Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Approval Authority.

Section 2-503. Accidental Discharges, Protection

All permitted Users shall provide protection from accidental discharge or spill into the sewer system of prohibited, hazardous or other waste materials which are regulated through this Ordinance. Such protection shall be provided and maintained at the permitted User's expense. Detailed plans shall be submitted to the Manager for review and approval and a schedule of Construction issued before construction. all permitted Users discharging prior to the effective date of this Ordinance shall complete such protection by December 31, 1990, or on such date as is specified on their Permit. After the effective date of this Ordinance, no User shall commence discharge to the JVOTW without approved accidental discharge facilities or procedures. Approval of such plans and operating procedures shall not relieve the User of responsibility for modifying the facility or procedures to provide the protection necessary to meet the requirements of this Ordinance.

Section 2-504. Accidental Discharges, Notification

In the event of an accidental discharge, the User shall notify the Manager by telephone immediately upon discovery of the occurrence. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. Within five (5) days following an accidental discharge, the User shall submit to the Manager a detailed written report containing such information and describing the cause of the discharge and measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, fines, civil penalties or other liability which may be incurred as a result of damage to the JVOTW or any other person or property; nor shall such notification relieve the User of any fines,

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civil penalties, or other liability which may be imposed by this Ordinance or other applicable law.

Section 2-505. Permit Duration

(A) General

Permits shall be issued for a specified time period, not to exceed five years (5) years. A Permit may be issued for a period less than a year or may be stated to expire on a specific date. Terms and conditions of the Permit may be subject to modification by the Joint Venture during the term of the Permit as limitations or requirements as identified in Section 2-302 of this Ordinance are modified or other just cause exists. The User shall be informed of any proposed changes in this Permit at least thirty (30) days or more prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance.

(B) Permit Renewal

An application for renewal of a Permit shall be made at least 150 days prior to expiration of User's existing Permit.

Section 2-506. Permit Application

A User required to obtain an Industrial Wastewater Discharge Permit will file with the Manager an application in the form prescribed by the Manager and accompanied by the Permit fee designated in Chapter 11.

(B) The Manager may require a Permit application for each connection to the JVOTW or from any User. The Permit application shall contain at least the following requirements:

- (1) Home, address, and Location (if different from the address);
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of Budget, 1972, as amended;
- (3) Discharge Analysis: A complete report of all process wastewater and industrial wastewater produced or expected to be produced, including but not limited to:
 - (a) Wastewater discharge rates;
 - (b) Representative chemical analyses shall be performed by an independent, reliable, certified analytical laboratory or by Users laboratory if approved by the Manager. Analyses shall include concentrations of any substances for which specific limits have been set under this Ordinance, any prohibited wastes, and any hazardous wastes listed by the State regulations,

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including Arizona regulations 89-8-1815(C)-(G)) or other applicable regulations; Such Analyses is required for only those substances or wastes that are in the wastewater being discharged to the JVOTW, provided, however, that the Permit applicant must conduct a careful and diligent inquiry to determine whether any of the above-specified substances or wastes, when such wastes are actually in the wastewater being discharged, shall be a violation of this Ordinance;

- (c) The analysis requirement may be waived if the only regulated discharge is included in Section 2-302 (C)(9) (i.e., dispersed biodegradable oils, fats, and greases, such as lard, tallow, or vegetable oil) and an approved grease interceptor is present and functioning on the premises. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.
- (4) Time and duration of contribution;
 - (5) Average daily and 30-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
 - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by size, location, and elevation;
 - (7) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged;
 - (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Joint Venture, State, or Federal pretreatment standards, and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and Maintenance and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;
 - (9) If additional pretreatment and/or operation and Maintenance will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment. The completion date of this schedule shall not be later than the compliance date established for the applicable Pretreatment standard. The following conditions shall apply to this schedule:

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- (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);
 - (b) No increment referred to in subparagraph (1) above shall exceed six (6) months and the total compliance schedule shall not exceed two (2) years in length;
 - (c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Manager, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than three (3) months elapse between such progress reports to the Manager;
- (10) Each product produced by type, amount, process or processes and rate of production;
 - (11) Type and amount of raw materials processed (average and maximum per day);
 - (12) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and
 - (13) Any other information as may be deemed by the Joint Venture to be necessary to evaluate the Permit application.

(C) The Joint Venture will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of data furnished, the Joint Venture may issue an Industrial Wastewater Discharge Permit subject to terms and conditions provided herein.

Section 2-507. Permit Conditions

(A) General

Industrial Wastewater Discharge Permit shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, User charges, and fees established by the Joint Venture. Permits may contain the following:

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- (1) The unit charge or schedule of User charges and fees for the wastewater to be discharged to the JVOTW;
- (2) Limits on the average and maximum wastewater constituents and characteristics and/or prohibition of discharge of certain wastewater components;
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (4) Requirements for installation and maintenance of inspection and sampling facilities;
- (5) Specifications for monitoring programs which may include; sampling locations; frequency of sampling; number; types; and standards for tests and reporting schedule;
- (6) Compliance schedules;
- (7) Requirements for submission of technical reports or discharge reports (See Section 2-502);
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Joint Venture and affording Joint Venture, State and Federal access thereto;
- (9) Requirements for notification of the Joint Venture of any new introduction of wastewater constituents of any substantial change in the volume or character of the wastewater constituents or accidental discharge being introduced into the wastewater treatment system (See Sections 2-503 & 504);
- (10) Requirements for notification of slug discharges; and
- (11) Other conditions as deemed appropriate by the Joint Venture to ensure compliance with this Ordinance.

(B) User Agreement

In consideration of the granting of the Permit, the User agrees and understands:

- (1) That all references to "State" are to the Colorado River Indian Tribes and/or the State of Arizona as stated in the definition Section 2-201 (TT) of this Ordinance;
- (2) To furnish any additional information relating to installation or use of the industrial sewer for which this Permit is sought as may be requested by the Joint Venture;

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- (3) To accept and abide by all provisions of the Colorado River Sewage System Joint Venture Ordinances, and of all other pertinent ordinances and regulations that are now or may be in effect in the future;
- (4) To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the wastewater treatment system of the industrial wastes involved, in an efficient manner at all times and at no expense to the Joint Venture.
- (5) To cooperate at all times with the Joint Venture, State, and EPA (U.S. and Tribal) and their representatives in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment and in their hazard or emergency notices.
- (6) To notify the Joint Venture immediately in the event of any accident or other occurrence that occasions discharge to the wastewater treatment system of any wastewater or substances prohibited or not covered by the Permit. (See Sections 2-503 & 504)

(C) General Permit Requirements

The Permit shall reflect applicable general and categorical Federal regulations and standards. In addition, no Permit shall contain provisions when excuse compliance with any mandatory requirements of this Ordinance. Permits for new industrial discharges shall require that any pretreatment facilities deemed necessary by the Manager shall be operational when the discharges occur. The Manager shall be the Approval Authority for any submittal. The Manager shall issue, deny, or not require a Permit within 120 days or receiving a complete Permit application. However, the approval of such submittal by the Manager shall in no way relieve the User of the responsibility for modifying a structure of procedure as necessary to produce a discharge that meets the requirements of this Ordinance.

(D) Permit Denial

The Manager shall deny a Permit or Permit modification if a User cannot demonstrate that an Industrial Discharge will comply with the requirements of this Ordinance.

(E) Separation of Wastes

All domestic wastewater from rest rooms, showers, drinking fountains, and similar sources shall be kept separate from all industrial waste until the industrial wastewater has passed through any required pretreatment facility system or device and the industrial wastewater monitoring facility. The manager

may waive this condition and allow the combined wastewater formula to be used at his discretion.

(F) Control Manhole

- (1) A condition of the Industrial Wastewater Discharge Permit, or when required by the Manager, the owner of any property discharging industrial wastewater to the JVOTW shall install, at User's expense, a suitable control manhole together with such meters and other appurtenances deemed necessary by the Manager to adequately sample and measure the waste passing through the control manhole. This control manhole shall be located so as to permit unrestricted access by representatives of the Joint Venture, State, and EPA. The control manhole may be used as a junction manhole for domestic sewage and industrial waste, providing the junction occurs downstream of the sampling and flow measuring point.
- (2) The Manager shall approve control manhole details prior to construction. Construction shall be completed within sixty (60) days following written approval by the Joint Venture.

(G) Self-Monitoring, Chemical Analyses and Inspection.

- (1) Measurements of industrial discharge flow rates, flow volumes, chemical strengths, or other characteristics for determining compliance with this Ordinance shall be made by the Permit holder, at the Permit holder's expense, periodically, as determined by the Manager. The self-monitoring requirements for industries subject to EPA categorical regulations must be equal to, or more stringent than, those set by Federal Pretreatment Regulation. Sampling shall be performed in a manner that will assure the integrity of the samples and shall at least comply with Federal guidelines and standards on sampling of wastewater. Analyses of industrial wastewater shall be performed by an independent certified laboratory or by the laboratory or a Permit holder if approved by the Manager. Prior to submittal of results from chemical analyses or other information, the results shall be signed by the chemist or technician performing the analyses, verifying their accuracy. All chemical analyses shall be conducted in accordance with the appropriate procedures contained in EPA's Methods of Chemical Analysis of Water and Wastes or Standard Methods (most recent edition). If no appropriate procedure is contained therein, a procedure approved by the Manager shall be used to measure chemical concentrations. Any laboratory or Permit holder performing tests may be required by the Manager to furnish information on tests methods and equipment used.

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- (2) All Permit holders making periodic measurements may be required by the Manager to furnish and install at the control manhole, or other appropriate location, a calibrated flume, weir, flow meter or similar device meeting his approval and suitable to measure the industrial wastewater flow rate and total volume. A flow indicating, recording, and totalizing register may be required by the Manager. In lieu of wastewater flow measurement, the Manager may accept records of water usage and adjust the flow volumes by suitable factors to determine peak and average flow rates for the specific industrial wastewater discharge. When required by the Manager, Permit holders shall install and maintain in proper order, automatic flow-proportional sampling equipment and/or automatic analysis and recording equipment. The sampling, analysis and flow measurement procedures, equipment and results shall be subject at any reasonable time to inspection by the Manager. Measurements to verify the quantities of waste flow and chemical composition and strengths reported by Users shall be conducted on a random basis by personnel of the Joint Venture.

(H) Modification of a Permit

(1) General

(a) Within nine (9) months of the promulgation of a National categorical Pretreatment Standard, the industrial wastewater Discharge Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for an Industrial Wastewater Discharge Permit as required by Section 2-506 of this Ordinance, the User shall apply for an Industrial Wastewater Discharge Permit within sixty (60) days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the User with an existing Industrial Wastewater Discharge Permit shall submit to the Manager within sixty (60) days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by Paragraphs (8) and (9) of Section 2-506 of this Ordinance.

(b) The provisions and conditions of the Permit may be modified by the manager during the term of the Permit as other limitations or requirements are modified or for other reasonable cause. The User shall be informed of any proposed changes in his Permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance and shall not exempt the User from meeting Ordinance standards. Should measurements or other investigations indicate that the industrial Permit holder is discharging wastewater, chemical oxygen demand, suspended solids, or other wastewater constituents in a quantity or at a flow rate significantly in excess of that stated in the Permit, the User shall be required to apply for an amended Permit. Users who apply for an amended

Permit may be required to comply with existing Permit Provisions prior to issuance of the amended Permit.

(2) Change in Ownership

(a) Industrial Wastewater Discharge Permits are issued to a specific User for a specific operation. A Permit shall not be assigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Joint Venture. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit.

(b) Provided the business only changes ownership and operations and location do not change, only a modification of the Permit may be needed.

(c) Any change in location will require a new Permit.

(3) Change in Business Operations

(a) Any changes in permitted operation that and or change the constituents or concentrations of any industrial wastewater discharges or affect any other provisions of this Ordinance will require a modification of a Permit. The Manager may require a new Permit when there is a significant change to the business operations.

(4) Initiation of Modifications

Permit modifications shall be initiated by the Permit holder thirty (30) days prior to the change and must be approved by the Manager.

Section 2-508. Records Retention.

All Permit holders shall retain and preserve for not less than three (3) years any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof relating to monitoring, sampling, and chemical analyses made by or on behalf of a User in connection with its discharge. All records which pertain to matters which are subject of administrative action or any other enforcement or litigation activities brought by the Colorado River Sewage System Joint Venture pursuant to this Ordinance shall be retained and preserved by the User until all enforcement activities have concluded and all periods of limitation for appeals have expired.

CHAPTER 6. FORMULA

Section 2-601. Combined Wastewater Formula

(A) Formula. A combined wastewater formula may be used by industrial Users that mix regulated process wastewater with other regulated or unregulated wastewater prior to pretreatment. The formula was derived to allow calculation of fixed alternative discharge limits

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that may be applied to combined wastewater, provided that written permission has been obtained from the Manager.

The alternative discharge limits are derived using the following formula:

$$C_T = \frac{\sum_{i=1}^N C_i F_i + F_D}{N F_i + F_T}$$

Where

C_T = the alternative discharge limit for the combined wastewater.

C_i = the discharge limit for a pollutant in the regulated waste water i .

F_i = the average daily flow (at least a 30-day period) of wastewater to the extent that it is regulated for such a pollutant.

F_D = the average daily flow (at least a 30-day period) from boiler blow-down water, non-contact cooling streams, sanitary wastewater (where such wastewater is not regulated by this Ordinance).

F_T = the average daily flow (at least a 30 day period) through the combined treatment facility (includes F_i and F_D).

N = the total number of regulated wastewater.

(B) Applicable Requirements

(1) An alternative discharge limit may not be used if the alternative limit is below the analytical detection limit for any of the regulated pollutants.

(2) An industrial User is required to monitor his own wastewater to ensure compliance with the alternative discharge limits determined by the combined wastewater formula.

(C) Approval Requirement

The combined wastewater formula shall only be used with the Manager's approval and in no case shall the alternative discharge limits exceed the applicable Federal Categorical Pretreatment standards.

CHAPTER 7. INSPECTION

Section 2-701. Inspection, Sampling, and Right of Entry.

(A) A requirement for the issuance of an Industrial Wastewater Discharge Permit as set forth in this ordinance is that the Permit holder consent to allow entrance to User's facilities at reasonable times by JVOTW, State, and EPA personnel and representatives for purposes of inspection, sampling, record examinations, or performance of any duty. Any permanent or temporary obstruction to easy access to User's facility shall promptly be removed by the facility User or owner at the written or verbal request of the Manager and shall not be replaced. No person shall interfere with, delay, resist, or refuse entrance to an authorized JVOTW, State, or EPA (both U.S. and Tribal) representative attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the JVOTW.

(B) Adequate identification shall be provided by the Manager for all inspectors and other authorized personnel, and these persons shall identify themselves when entering any property for inspection purposes or when inspecting the work of any contractor.

(C) The Joint Venture staff shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Inspections of every facility that is involved directly or indirectly with the discharge of wastewater to the JVOTW may be made by the Manager as he deems necessary. These facilities shall include but not be limited to sewers; sewage pumping plants; pollution control plants; all industrial processes; industrial wastewater generation, conveyance, and pretreatment facilities; devices and connection sewers; and all similar sewerage facilities. Inspections may be made to determine that such facilities are maintained and operated properly and are adequate to meet the provisions of this Ordinance.

(D) The Joint Venture, Approval Authority, and (where the NPDES State is the Approval Authority) EPA (both U.S. and Tribal) shall have the right to set up on User's property such devices as are necessary to conduct sampling inspections, compliance monitoring and/or metering operations.

(E) Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Joint Venture, Approval Authority, and EPA (both U.S. and Tribal) will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Section 2-702. Response to Survey Questionnaires and Permit Application Forms

All users shall respond to any survey questionnaire to Permit application form within thirty (30) days unless a more specific time is specified. Failure to respond to any survey questionnaire or Permit application form shall subject the User to the Penalty of violating the reporting provisions of this Ordinance.

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CHAPTER 8. ADMINISTRATION

Section 2-801. Administration

The Manager shall administer, implement, and enforce the provisions of this Ordinance.

CHAPTER 9. ENFORCEMENT

Section 2-901. Suspension or Revocation of Permit

(A) Suspension of Permit for Industrial Waste Discharge

(1) The Manager shall temporarily suspend a Permit and call an emergency Board meeting for approval when in his opinion the suspension is necessary to stop a discharge which presents a hazard to the public health, safety, or welfare, to the environment, to the JVOTW, or causes interference with the JVOTW, or causes the Joint Venture to violate any condition of its NPDES, Reclaimed Wastewater Re-use, or Groundwater Discharge Permit.

(2) A Permit holder notified of a Permit suspension shall immediately stop discharge of all industrial wastewater to the system. In the event of a failure of the Permit holder to comply voluntarily with the suspension order, the Manager shall take such steps as are necessary to insure compliance, including immediate severance of the sewer connection, to prevent or minimize damage to the JVOTW system or endangerment to any individuals. The Joint Venture shall reinstate the Industrial Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Joint Venture within fifteen (15) days of the date of occurrence.

(B) Revocation of Permit for Industrial Wastewater Discharge

Any User who violates the following conditions of this Ordinance, or applicable State and Federal regulations, is subject to having his Permit revoked in accordance with the procedures of this section of the Ordinance:

- (1) Failure of a User to factually report the wastewater constituents and characteristics of his discharge; or
- (2) Failure of a User to report significant changes in operations of wastewater constituents the characteristics; or
- (3) Refusal of reasonable access to the User's premises for purpose of inspection of monitoring; or,
- (4) Violation of conditions of the Permit.

(C) Notification of Violation

When the Manager finds that a User has violated, or is violating, this Ordinance, Industrial Wastewater Discharge Permit, or any prohibition, limitation, or requirements contained herein, or has engaged or is engaging in conduct which requires corrective action, the Manager shall serve, or cause to be served upon such User, a written notice, either personally or by certified or registered mail (return receipt requested), stating the nature of the alleged violation. A notification shall include an order for corrective action and may include an order of suspension or revocation. Additional orders or a change to a suspension or revocation may follow the initial order at the discretion of the Manager or as additional information becomes available.

(D) Response to Notification

Within ten (10) days of the date of receipt of a notice, the User shall respond in writing to the Manager, advising of its position with respect to any allegations and informing the Manager of any action taken. Within fifteen (15) days of receipt of a notice, a plan for the satisfactory correction thereof shall be submitted to the Joint venture by the User.

(E) Resolution of Violation

Thereafter, the parties shall meet to ascertain the veracity of the allegations and, where necessary, establish the conditions for continued discharge or the requirements prior to resumption of discharge.

(F) Show Cause Hearing

(1) The Joint Venture may order any User who causes or allows an unauthorized discharge to enter the JVOTW to show cause before the Board of Directors why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Board of Directors regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Board of Directors why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least five (5) days before the hearing. Service may be made on any agent or officer of a corporation.

(2) The Board of Directors may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the Joint Venture to:

- (a) Issue in the name of the Board of Directors notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

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- (b) Take the evidence;
- (c) Transmit a report of the evidence and hearing, including transcripts, and other evidence, together with recommendations to the Board of Directors for action thereon.
- (3) At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- (4) After the Board of Directors has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service shall be discontinued unless adequate treatment facilities, services, or other related appurtenances are properly operated and/or installed. Further orders and directives as are necessary and appropriate may be issued.
- (5) Costs of all hearing shall be borne by the User.

Section 2-902. Liability of User

(1) Any industrial wastewater user who discharges or causes the discharge of wastewater which cause damage to the Joint Venture facilities, detrimental effects on treatment processes, or any other damages resulting in costs to the Joint Venture shall be liable for all damages occasioned thereby.

(2) The approval of a plan or a wastewater pretreatment process or the issuance of a Permit by the Manager shall not relieve the User of his responsibility to maintain such pretreatment facility or process so that his discharge meets all requirements pursuant to this Ordinance.

Section 2-903. Judicial Proceedings

(A) Initiation of Legal Action

If any person discharges sewage, industrial wastes, or other wastes into the Joint Venture wastewater disposal system contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the Joint Venture, the Joint Venture Attorney may commence an action for appropriate legal and/or equitable relief in the Tribal Court of the Colorado River Indian Tribes or any other court of competent jurisdiction. This legal Action may include an injunction that would prevent the User from making any further discharges into the JVOTW.

(B) Civil Penalties

- (1) **Penalty for Permitting, Reporting, and Permit Amendment Violations:** Any person who violates the permitting, reporting, or Permit amendment provisions of this Ordinance shall be civilly liable to the Joint Venture for a sum not to exceed five hundred dollars (\$500) for each day in which such violation occurs. In the event of such violation, the Manager shall request the Joint Venture Attorney to petition the court of competent jurisdiction to impose, assess, and recover such sums.
- (2) **Penalty for Discharge Violations:** Any person who allows discharge to the JVOTW of any industrial wastewater in violation of the requirements of this Ordinance or Permits issued under this Ordinance, shall be civilly liable to the Joint Venture for a sum not to exceed twenty-five thousand dollars (\$25,000) for each day in which such violation occurs. In the event of such violation, the Manager shall request the Joint Venture attorney to petition the court of competent jurisdiction to impose, assess, and recover such sums.

(C) Falsifying information: Knowingly making any false statements, representations, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance or Industrial Wastewater Discharge Permit; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required under this Ordinance shall constitute a Class 1 Misdemeanor in violation of A.R.S. Section 13-707, Section 13-802(A), Section 13-804, as from time to time may be amended and applicable, and appropriate ordinances and regulations of the Colorado River Indian Tribes, as applicable.

(D) for any of the above specified violations, User's Industrial Wastewater Discharge Permit shall also be subject to revocation.

Section 2-904. Posting of a Bond

(A) The Manager may require posting of a bond by any User.

(B) Bond

As part of any Permit condition, the Manager may at any time impose, revise, or otherwise require a bond from any User who:

- (1) Discharges or has the potential for discharging any quantity of pollutants which, if improperly managed by the User, could cause physical damage to the JVOTW and injury to JVOTW personnel.

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- (2) Does not have adequate pretreatment facilities, personnel, safety procedures, or financial resources to otherwise ensure compliance with requirements of this Ordinance.

(C) Amount

In determining the amount of any bond which is to be required, the Manager shall consider the:

- (1) Reasonably foreseeable injury to JVOTW facilities or personnel which could result from any discharge violation of the requirements of this Ordinance;
- (2) Nature and extent of any previous violation by the User of applicable Federal, State, or if valid, county or city, discharge requirements;
- (3) Extent to which the User is reasonably able to satisfy the requirement of this Section.

Section 2-905. Levels of Action

(A) Enforcement of Judicial Action

Participation in any communication concerning violations will not exempt a violator of this Ordinance from formal enforcement or judicial action.

(B) Written Permission Requirement

Any permission required by a User from the Manager must be in writing.

(C) Separate Actions

Any judicial proceedings initiated because of a violation of any section of this Ordinance shall not exempt a User from any judicial proceedings initiated because of a violation of any other provision of this Ordinance.

CHAPTER 10. CONFIDENTIAL INFORMATION

Section 2-1001. Information and Data

(A) Information and data on a User obtained from reports, questionnaires, permit applications, Permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Manager that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the User.

(B) Information determined by the Manager to be protected as trade secrets shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permits and/or Pretreatment Programs; provided, however, that such information shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the information. Wastewater constituents and characteristics will not be recognized as confidential information.

(C) Information accepted by the Joint Venture as confidential shall not be transmitted to any governmental agency or to the general public by the Joint Venture until and unless a ten (10) day notification is given to the User.

CHAPTER 11. FEES

Section 2-1101. Purpose

It is the purpose of this Article to provide for the recovery of costs from Users of the Joint Venture's wastewater disposal system for implementation of the program established herein. The applicable charges or fees shall be set forth in the Joint Venture's Schedule of Charges and Fees.

Section 2-1102. Charges and Fees

The Joint Venture may adopt and revise charges and fees with the approval of its venturers, the Tribal Council and the Parker Town Council, which may include:

- (A) Fees for reimbursement of costs of setting up and operating the Joint Venture's Pretreatment Program;
- (B) Fees for monitoring inspections and surveillance procedures;
- (C) Fees for reviewing accidental discharge procedures and construction;
- (D) Fees for Permit applications;
- (E) Fees for filing appeals;
- (F) Fees for consistent removal (by the Joint Venture) of pollutants otherwise subject to Federal Pretreatment Standards;
- (G) Other fees as the Joint Venture may deem necessary to carry out the requirements contained herein.
- (H) These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable to the Joint Venture.

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Section 2-1103. Renewal

A renewal Permit fee shall be paid to the Colorado River Sewage System Joint Venture prior to Permit re-issuance.

Section 2-1104. Denial

The Permit fee paid at the time of Permit application shall be retained by the Colorado River Sewage System Joint Venture when a Permit is denied. The applicant shall forfeit the fee unless an acceptable proposal is submitted within 120 days of the date of denial.

Section 2-1105. Modification

A Permit modification may be applied for and granted with no fee required.

Section 2-1106. Permit Not Required

The Permit fee shall be refunded when a determination is made that the original submittal does not require a Permit.

CHAPTER 12. NOTICE PROCEDURE

Section 2-1201. Notice

Any notice required to be given by the Manager under this Ordinance shall be in writing and served in person or by first class registered or certified mail (return receipt requested). The notice shall be served upon an authorized representative at the last address known to the Manager or the occupants or owners of record of property upon which the alleged violations occurred.

CHAPTER 13. FILING OF RULES AND REGULATIONS

Section 2-1301. Filing of Rules and Regulations

All rules and regulations, guidelines, and charges adopted in conjunction with administration of this Ordinance shall be in writing, and a copy shall be filed in the Office of the Colorado River Sewage System Joint Venture.

CHAPTER 14. RIGHTS OF REVISION

Section 2-1401. Right of Revision

The Joint Venture is delegated the right to amend this Ordinance where deemed necessary, subject to the approval of the Tribal Council in its sovereign capacity, and the Tribal Council and the Town Council as joint venturers in the Joint Venture Sewage System. At least forty-five (45) days before any formal consideration of an amendment to this Ordinance, the Manager shall notify in writing any person who has filed a request for notification with the Manager. The Board of Directors shall provide notification by publication in a newspaper

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of general circulation in the Colorado River Sewage System Joint Venture area. The notice shall contain a brief description of the nature of the amendment to be considered and the time and place when formal action will be taken.

CHAPTER 15. SEVERABILITY AND CONFLICT

Section 2-1501. Severability

If any provision, paragraph, word, section, or Article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

Section 2-1502. Conflict

All other Colorado River Sewage System Joint Venture Ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

CHAPTER 16. EFFECTIVE DATE

Section 2-1601. Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval, and publication, as provided by law.

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