

CITY COUNCIL REPORT



Meeting Date: October 10, 2023
General Plan Element: *Water Resources*
General Plan Goal: *Continue to manage water and wastewater resources as critical parts of a sustainable community*

ACTION

Adopt Ordinance No. 4616, amending Chapter 49, "Water, Sewers & Sewage Disposal," Article IV, Section 49-161 of the Scottsdale Revised Code to provide additional authority to the director to limit the discharge of pollutants, materials, water or wastes into the sewer system.

BACKGROUND

On September 9, 2019, Scottsdale Water was issued the first Direct Potable Reuse (DPR) Permit from the State of Arizona to provide demonstrations and education about this new sustainable water resource. In 2022, A.R.S. §49-211 was enacted directing the Arizona Department of Environmental Quality (ADEQ) to adopt all necessary rules by December 2024 to implement a DPR program for use as drinking water. Scottsdale Water intends to obtain an Advanced Water Purification (AWP, new term for DPR) permit to expand our use to include drinking water. Through the ADEQ stakeholder process Scottsdale Water has learned that ADEQ intends to require water systems to adopt an Enhanced Source Control Program in order to obtain a permit.

The city's current Industrial Pretreatment Program (IPP) will serve as the basis for the new Enhanced Source Control Program. The IPP must be augmented to ensure that the source water for the AWP is free of pollutants that cannot be removed through the existing treatment at the Water Campus. Though the existing treatment is robust, there are certain types of pollutants that can pass through. The amended code will provide the flexibility to limit or possibly prohibit the discharge of pollutants by industrial entities into our sewer system ultimately protecting water treated through the city's advanced water treatment facility. The code amendment also improves protection of the city's groundwater recharge efforts where advanced treated water is recharged back into the city's aquifer for future use.

RESOURCE IMPACTS

Action Taken Approved on Consent

Available funding

No funding is needed.

Staffing, Workload Impact

Current staffing is adequate to implement and manage.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach

Adopt Ordinance No. 4616

Description of Option B

Not approve Ordinance No. 4616 and be denied an ADEQ permit or be required to add additional treatment to the Water Campus to remove pass-through pollutants.

RESPONSIBLE DEPARTMENT(S)

Scottsdale Water Resources Division

STAFF CONTACT(S)

Suzanne Grendahl, Water Quality Director, sgrendahl@scottsdaleaz.gov

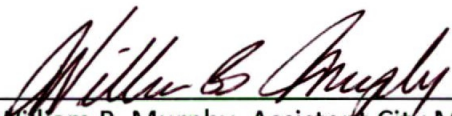
APPROVED BY



Brian K. Biesemeyer, Executive Director, Water Resources
(480) 312-5683, BBiesemeyer@Scottsdaleaz.gov

9-21-2023

Date



William B. Murphy, Assistant City Manager
480-312-7954, bmurphy@scottsdaleaz.gov

9/25/2023

Date

ATTACHMENTS

1. Ordinance No. 4616

ORDINANCE NO. 4616

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA TO APPROVE AMENDMENTS TO CHAPTER 49, "WATER, SEWERS & SEWAGE DISPOSAL," OF THE SCOTTSDALE REVISED CODE BY AMENDING SECTION 49-161 TO PROVIDE ADDITIONAL AUTHORITY TO THE DIRECTOR TO LIMIT THE DISCHARGE OF POLLUTANTS, MATERIALS, WATER OR WASTES INTO THE SEWER SYSTEM

WHEREAS, as a water provider, the City is committed to comprehensive planning, in order to secure an assured water supply for needs today and those of the future; and

WHEREAS, droughts are unavoidable, but their impact can be lessened by implementing drought management plans and securing additional water resources; and

WHEREAS, purified wastewater is a valuable and sustainable resource; and

WHEREAS, the City Council finds that utilizing purified wastewater for drinking water can further the drought management policies of the City;

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Chapter 49, Article IV, Division 4 regarding Industrial Users, Pretreatment Requirements is hereby amended as follows with new language shown in shaded format and deleted language in strikethrough:

Sec. 49-161. General industrial user requirements.

[Sec. 49-161(a)-(d) remain unchanged]

~~(e) Authority of division director to establish prohibitions and effluent limits.~~

~~(1) In addition to the prohibitions, standards, and effluent limits outlined in this section, the division director is authorized to:~~

~~(i) Establish limits for individual users or a class of users for various pollutants, materials, waters, or wastes that can be accepted into the sewer system; and~~

~~(ii) Specify those pollutants, materials, waters, or wastes that are prohibited from entering the sewer system.~~

~~(2) All prohibitions and effluent limits so established will be published by the division and placed on the Water Resources Division website and will be enforceable 30 days after the date posting.~~

~~(3) All affected individual users or class of users must comply with the prohibitions and effluent limits established pursuant to this section.~~

~~(e)~~ (f) *Mass Based Limitations.* The division may impose mass limitations on industrial users through industrial wastewater discharge permits where not prohibited by categorical pretreatment standards, and which are using flow equalization to meet applicable federal, state, or City pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. The division may establish equivalent mass limits only if industrial users satisfy all conditions set forth in 40 CFR 403.6(c)(5)(i)(A) through (c)(5)(i)(E). In such cases, the wastewater discharge permit will contain the mass allocation for each pollutant, any concentration-based categorical standards, maximum flow allowed, and the appropriate monitoring and reporting requirements. Where mass limits have been established, the reports required by sections ~~49-167~~(c) and (d) shall also indicate the mass of limited pollutants in the user's wastewater. These reports shall also contain the results of sampling and analysis of the discharge, including production and mass of pollutants contained therein which are limited by the applicable pretreatment standards and requirements.

~~(f)~~ (g) *Dilution.* No user shall ever 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 any discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The division may impose mass limitations and flow limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations and flow limitations are appropriate.

~~(g)~~ (h) *Point of Discharge: Prohibitions.*

(1) No person shall discharge any substance directly into a manhole or other opening into the POTW unless specifically authorized by the division or as otherwise permitted under this article.

(2) Liquid wastes from chemical toilets originating from campers, trailers and other recreational vehicles which have been collected and/or held in tanks or other containers shall not be discharged into the POTW except at locations authorized by the division to collect such wastes within the City.

(3) No person shall discharge or dispose of wastes into the POTW where such wastes have been collected and/or held in a tank or other container and where such wastes fail to comply with any limitation set out in this article.

~~(h)~~ (i) *Tampering Prohibition.*

(1) No person shall tamper with, damage, or destroy any monitoring or sampling equipment with the knowledge or intention of altering the sampling analysis or readings or causing damage to such equipment being used to determine compliance with this article.

(2) No person shall tamper with a manhole or enter any City manhole without specific authorization from the City.

(3) No person shall tamper with any pretreatment device, including, but not limited to, any unauthorized alteration of the original equipment or its design, any discharge of waste into the pretreatment device from any source other than as originally intended, or the removal of an originally intended source of discharge from the pretreatment device.

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or any part of the Code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Council of the City of Scottsdale this _____ day of October, 2023.

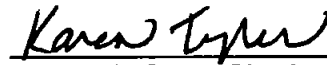
ATTEST:

CITY OF SCOTTSDALE
an Arizona municipal corporation

Ben Lane, City Clerk

David D. Ortega, Mayor

APPROVED AS TO FORM:



Sherry R. Scott, City Attorney

By: Karen Tyler, Senior Assistant City Attorney