

Changes to the Industrial Wastewater Discharge Ordinance

Authority clarified with Arizona Statute/Code referencing Federal Code

Definitions consolidated into a single section

Deleted Limits:

- Phenols (Total)
- Sulfides (Dissolved)
- Dichlorodifluoromethane
- Trichlorofluoromethane

Sulfide (Total) and Cyanide modified to Grab Sample in compliance with method

pH limit modified from 6-9 SU to 5-11 SU

Definition of Composite Sample modified from minimum of 8 aliquots to minimum of 4 matching ADEQ's definition

EPA Streamlining Changes:

- Addition of BMP's as alternative compliance measure
- Revisions to definition of Significant Noncompliance
- Late reporting violation extended from 30 days to 45 days
- Resampling requirement modified from 10 days to 30 days
- Optional Reduced Reporting Option added

Modification of Dental Exemption to specify BMP's.

Addition of Grease Management Program to standardize Fats, Oil & Grease (FOG) compliance for Food Service Facilities:

- Provides consistency across jurisdictions
- DFU table provided
- BMP requirements outlined

Application and appeals process expanded:

- Application simplified for Industrial Users
- Application Review Timeframes clarified to meet SB 1598 requirements
- Appeals separated into Application and Enforcement sections
- Septage application section clarified and moved into a single section
- Variance request process clarified

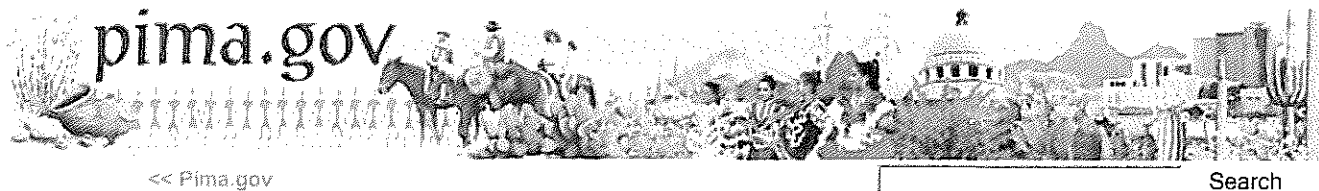
Addition of Environmental Audit Confidentiality per ARS 49-1401 and 49-1404.

Addition of Satellite Collection System Agreement requirements to meet federal standards

Posting of Bond requirements removed both from General Permit Conditions and Septage Hauler Permit Condition

Application Fees increased for the first time since 1991:

- Five Year Permit Application Fee for Septage Discharge or Industrial User from \$75 to \$150
- Five Year Permit Application Fee for Significant Industrial User from \$600 to \$800



Proposed County Taxes and Fees

(posted April 12, 2013)

Pima County Regional Wastewater Reclamation Department Proposed Industrial Waste Permit Fee Changes

It is anticipated that the Board of Supervisors will consider a revision to the Industrial Waste ordinance (Title 13, Chapter 36), at its regularly scheduled meeting on June 18, 2013. The ordinance is being revised to address changes mandated by the Environmental Protection Agency (EPA) and Arizona Department of Environmental Quality (ADEQ). As part of this revision, the Industrial Wastewater Discharge Permit Fees under Section 13.36.120 are proposed to change as follow:

The Application and the Renewal Fees for:

Significant Industrial Users will be \$800.00
All Other Users will be \$150.00.

The County authority to charge industrial discharge permit fees is derived from A.R.S. § 11-264.

A copy of the complete proposed ordinance revision, a proposed updated Enforcement Response Plan, and schedule of Public Meetings can be found on the Pima County Regional Wastewater Reclamation Department's website at: <http://www.pima.gov/www/about/div/CRAO/IWC/index.htm>.

For questions and/or comments please email Pima County Regional Wastewater Reclamation Department at: RWRD_IWC@pima.gov or contact IWC Staff at 520-724-6200.

Pima County Regional Wastewater Reclamation Department Proposed Sewer Connection Fee Charges

Pima County Regional Wastewater Department is revising its method for calculating sewer connection fee charges from a fixture unit equivalent based system to one based on water meter size. Sewer connection fees are paid by residences and businesses connecting to the public sewer and pay for the conveyance and treatment capacity needed for these new connections. In addition, the sewer connection fee charge itself is being revised to reflect the current cost of service.

It is anticipated that the Board of Supervisors will consider the new connection fee ordinance and fee schedule at its regularly scheduled meeting on May 15, 2012. The County authority to charge connection fees is derived from A.R.S. § 11-264.

- Pima County Regional Wastewater Reclamation Department Proposed Sewer Connection Fee Charges
(Posted March 15, 2012)
- Proposed Sewer Connection Fee Charges, strike-over version of Ordinance Section 13.20

For questions and/or comments please email Pima County Regional Wastewater Reclamation Department at: rwr.connectionfee@pima.gov

Pima County Regional Wastewater Reclamation Department Proposed 2011 Fee Ordinance

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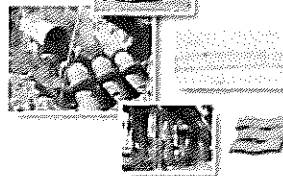
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Pima County Regional Wastewater Reclamation Department (RWRD)



Director: Jackson Jenkins
201 North Stone Avenue, 8th Floor
Tucson, Arizona 85701
(520) 724-6500

RWRD provides design, management, and maintenance of the sanitary sewer system.
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Industrial Wastewater Ordinance Information

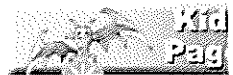


The Industrial Wastewater Ordinance (IWO), Pima County Code Chapter 13.36, was originally adopted by the Board of Supervisors in 1982 and was last modified in 1991. In order to address changes mandated by the EPA and ADEQ, Pima County's RWRD Industrial Wastewater Control (IWC) Section is submitting an updated version of the ordinance to the Board of Supervisors for their review and approval.

Two versions of the proposed ordinance are available, a strike through version demonstrating the proposed changes and a clean version containing only the final proposed text. **Read more...**

- [Industrial Wastewater Ordinance - strike-through version](#)
- [Industrial Wastewater Ordinance - clean copy](#)

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Industrial Wastewater Control

Industrial Wastewater Ordinance Information



The Industrial Wastewater Ordinance (IWO), Pima County Code Chapter 13.3 was originally adopted by the Board of Supervisors in 1981

and was last modified in 1991. In order to address changes mandated by the EPA and ADEQ, Pima County's RWRD Industrial Wastewater Control (IWC) Section is submitting an updated version of the ordinance to the Board of Supervisors for their review and approval.

Two versions of the proposed ordinance are available, a strike through version demonstrating the proposed changes and a clean version containing only the final proposed text.

Industrial Wastewater Ordinance - strike-through version

Industrial Wastewater Ordinance - clean copy

As part of the federally mandated Pretreatment Program, Pima County RWRD has an Enforcement Response Plan (ERP) serving as a Substantive Policy Statement outlining penalties for violations of the IWO. This policy is being updated to reflect the changes to the ordinance. A copy of the proposed ERP is available for review.

Current Enforcement Response Plan

Proposed Enforcement Response Plan

A 30 day public comment period for the proposed ordinance changes set to begin April 17th. Public Meetings will be held at the IWC Office 3035 W. El Camino del Cerro ([facility map](#)) on:

April 17, 2013 9am-11am

April 24, 2013 3pm-5pm

May 6, 2013 9am-11am

May 13, 2013 3pm-5pm

The meetings will begin with a presentation on the proposed ordinance changes and staff will be available to answer any questions/discuss any concerns. Public comments/questions may be submitted by email to RWRD_IWC@pima.gov (RWRD_IWC@pima.gov). You may also contact IWC Staff at 520-724-6200 between 7:30 am and 4:30 pm Monday through Friday.

Industrial Wastewater Discharge Program

Public Outreach:

Mailings announcing proposed changes sent to all 527 Permitted facilities, 200 Dental Facilities, and the Arizona Restaurant Association.

Meeting held with Arizona Restaurant Association to present proposed ordinance and ERP changes. Concern expressed by ARA regarding potential fee increase. They did, however understand that this is the first increase in fees since 1991. Individual members did not express any concerns regarding the fee increase.

Public Meetings were held at 3035 W El Camino del Cerro on April 17, April 24, May 6 and May 13, 2013. A total of 10 citizens attended the meetings. No comments were received as a result of the meetings. Meeting sign in sheets are attached.

Outreach to the American Dental Association resulted in a comment concerning the lack of a grandfathering period for the implementation of Best Management Practices. In response, we have added a grandfathering clause that requires implementation for new construction and facility upgrades.

Outreach to Southern Arizona Environmental Management Society (SAEMS) resulted in a request for a presentation to their members following formal adoption of the Ordinance and ERP.

Submittal to ADEQ for review and approval. Their comments were limited to clarification on the type of grinders required for medical facility discharge and the citation for the phenolic rules. These issues were addressed by slightly modifying the grinder language and providing ADEQ with background knowledge on the history of the phenolic rules.

**Pima County Regional Wastewater
Reclamation Department**

**Industrial Wastewater
Control Section**
3035 W El Camino Del Cerro
Tucson, Arizona 85745

Proposed Revisions to the Industrial Wastewater Ordinance

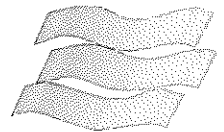
- April 17, 2013 from 9:00 am to 11:00 am
- April 24, 2013 from 3:00 pm to 5:00 pm
- May 6, 2013 from 9:00 am to 11:00 am
- May 13, 2013 from 3:00 pm to 5:00 pm



Location: Radon North Conference Room
Water & Energy Sustainability Center
3035 W El Camino Del Cerro



Industrial Wastewater Ordinance Pima County Code 13.36



Why Does the Ordinance Need to Change?

- 2005 EPA Streamlining Rule Requires Changes to Local Pretreatment Programs
- Grease Management Program Needs Clarification across Jurisdictions
- SB 1598 "Regulatory Bill of Rights" requires Written Policies
- Correction of Typos/Errors

What are the Major Proposed Changes?

- Dental Facility Exemption Requirements Clarified
- Food Service Facility Requirements Clarified
- Permit Application Fees Increased
- Permit Time Frames Clarified
- Appeals Process Clarified
- Reduced Reporting Option Added
- Satellite System Agreement Section Added



For any questions, please call (520) 724-6200
or visit our website at <http://www.pima.gov>

Comment Period is from April 17th thru May 17th

Anticipated Questions

What is the Industrial Wastewater Ordinance, and why are you changing it?

The Pretreatment Program and the Industrial Wastewater Ordinance (IWO) are part of a federally mandated program. The Environmental Protection Agency (EPA) and Arizona Department of Environmental Quality (ADEQ) set forth the requirements for protection of the waters into which the wastewater treatment plants discharge. Our program makes sure that Industries discharging into our sewer system are not contributing anything that would cause pollutants to enter the Santa Cruz River and our groundwater. The original IWO was adopted by the Board of Supervisors in 1982 with the current version adopted in 1991. In 2005 the EPA changed the rules governing our program. Many of the proposed changes are in response to these rules.

Why are the permit application fees going up?

Application fees have remained the same since 1991. Fees for a five year Septage or Industrial User Permit are increasing from \$75 to \$150. Fees for a five year Significant Industrial User Permit are increasing from \$600 to \$800. Industrial Wastewater Control (IWC) conducted a study to determine the cost of processing a permit application to determine how much was reasonable to increase the fees.

Why are you now going to regulate food service facilities?

Food service facilities have always been held to the standard that their discharge must have less than 200 mg/l Oil and Grease. Development Service groups within each jurisdiction has also always required the buildings meet the building code requirements set forth in the Uniform or International Plumbing Codes. IWC is trying to standardize the requirements across jurisdictions by putting forth a single, unchanging standard for Oil & Grease Pretreatment devices (grease traps or grease interceptors). The same standards would apply across jurisdictional boundaries.

Why are you changing the requirements for dental facilities?

The permits at our plants have ever more stringent requirements for control of mercury. One of the potential sources of mercury to our treatment plants is dental facilities drilling out old mercury amalgam fillings. As long as best management practices are in place to capture the mercury at the dental facility, our wastewater treatment plants, the Santa Cruz River and our groundwater are protected.

Does this change affect my sewer service bill?

No, this is not a sewer user fee change. This ordinance applies only to Industrial Wastewater Dischargers. The only change in fee is the application fee for a five year Industrial Discharge Permit or Septage Discharge Permit.

How is this protecting the environment?

The Industrial Wastewater Ordinance places limits on the contaminants that can be dumped into the sewer by commercial/industrial entities. Sewage treatment plants are designed to remove human waste from water, reclaiming that water for beneficial reuse. Anything other than human waste is a potential contaminant that is controlled by the ordinance limits.

How does this relate to the "Regulatory Bill of Rights" SB 1598?

Some ordinance language has been modified/clarified in response to the requirements of the Regulatory Bill of Rights. We have expanded on the application process timeframes and clarified the appeals process for both permit decisions and enforcement actions.

Have you changed the Limits for any of the chemicals my company discharges?

The table listing the limits has been modified to remove some parameters that are no longer listed on the federal list of 126 Priority Pollutants. In order to remove the limits we looked at our plant permits and historical sampling data. If a parameter is no longer a priority pollutant, is not a plant permit parameter, and has not had historical detection in the plant effluent, it was removed from the Local Limits table.

We are adjusting the pH Local Limit from 6-9 Standard Units (SU) to 5-11 SU.

We have also corrected some typos within the table and are clarifying sampling methods. For example, Sulfide – dissolved has been removed and Sulfide – total has been modified to be a grab sample rather than a composite sample.

Additionally, the definition of a composite sample has been modified to be a combination of no fewer than **four** individual samples obtained at equal time intervals for 24 hours or for the duration of the Discharge, whichever is shorter. In the case of a batch Discharge with flow duration of less than 15 minutes, a single Grab Sample will meet the intent of a Composite Sample. Previously, the definition required a combination of a minimum of **eight** individual samples.

Will I still have to sample my discharge and report the lab results to you?

If you are permitted with IWC, yes, you will need to continue to report your analytical results to us. There is a section in the new ordinance that allows us under certain conditions to modify your permit to require less frequent monitoring/reporting if you have a history of compliance with all permit requirements.

What is the Enforcement Response Plan, and why have you changed it?

The Enforcement Response Plan (ERP) is a Substantive Policy Statement outlining the department response to violations of the ordinance. It outlines responsibilities and levels of action including aggravating and mitigating factors affecting the amount of a fine for each type of violation. The ERP has been updated to reflect the new pH limits in the example calculations. The most significant modification is the addition of a section outlining Supplemental Environmental Projects (SEPs) as a possible result of enforcement action. An SEP can be issued to an industry rather than collecting potential penalties, requiring the user to invest in infrastructure necessary to prevent further violations. For example, a food service facility without adequate pretreatment in place could utilize penalty money to purchase and install a Gravity Grease Interceptor that would prevent further Oil & Grease exceedances in the facility discharge.

Proposed Revisions to the Industrial Wastewater Ordinance
Public Comment Hearing
April 17, 2013

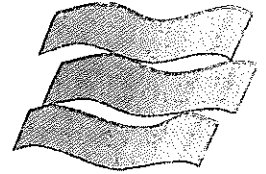
Sign In Sheet – Please Print

	Name _____	Copy of Ordinance (Yes) or No	Copy of Presentation (Yes) or No	Email Address
1	Ryan Hubele	Yes	Yes	hubele@jim.com
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Proposed Revisions to the Industrial Wastewater Ordinance

Public Comment Hearing

April 24, 2013



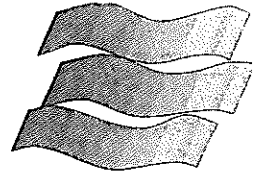
Sign In Sheet – Please Print

	Name	Copy of Ordinance Yes or No	Copy of Presentation Yes or No	Email Address
1	Ted Deason	No		tdeason@mortex.com
2	Quatfa Chuffe-Moscoso	Yes	Yes	ochufftemoscoso@pima.edu
3	Jerry Sullivan	Yes	Yes	jsullivan1@aol.com
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Proposed Revisions to the Industrial Wastewater Ordinance

Public Comment Hearing

May 6, 2013



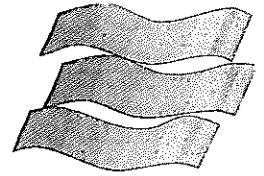
Sign In Sheet – Please Print

	Name	Copy of Ordinance Yes or No	Copy of Presentation Yes or No	Email Address
1	MONICA WILSON	NO	yes	monawilson@a. sahuar.ta.az.us
2	Carrie Griffithers	yes	yes	carriegriffithers@tucson.gov
3	ERIC POWDERBUSH	yes	yes	epowderbush@tucsonairport.org
4	STEVE ZIEGLER	YES	NO	OLD MEBLO SEITE @MSN.CO.
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Proposed Revisions to the Industrial Wastewater Ordinance

Public Comment Hearing

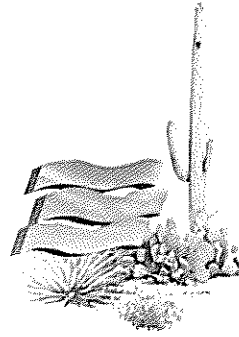
May 13, 2013



Sign In Sheet – Please Print

would you like us to
email?

	Name	Copy of Ordinance Yes or No	Copy of Presentation Yes or No	Email Address
1	George Goldrey	yes	yes	george.goldrey@liquidenviro.com
2	Casilda Guinones	No	Yes	cguinones@pima.edu
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Industrial Wastewater Ordinance

Pima County Code Section 13.36

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Contact Info:



**PIMA COUNTY
REGIONAL WASTEWATER RECLAMATION DEPARTMENT**

201 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1207

JACKSON JENKINS
DIRECTOR

PH: (520) 740-6500
FAX: (520) 620-0135

May 14, 2013

Galleo Gutierrez
Water Quality Compliance Assurance Unit
Pretreatment Program
110 West Washington Street
Phoenix, AZ 85007

RE: Pretreatment Program Ordinance and Enforcement Response Plan Revisions

Dear Mr. Gutierrez:

Pima County is submitting to you proposed revisions to our Industrial Wastewater Ordinance (IWO) and Enforcement Response Plan (ERP). The original program was adopted by our Board of Supervisors (BOS) in 1982. Our current IWO was adopted locally in 1991. The proposed changes take into account the required EPA Streamlining Rule changes, modifications required by SB 1598 the Regulatory Bill of Rights, and modifications to correct typographical errors, as well as, modifications to allow for ease of use for our permittees.

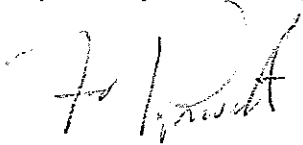
This submittal package includes:

- A review fee check for \$2000
- County Attorney Legal Authority Statement
- A summary of the proposed changes
- A clean copy of the proposed Pima County Industrial Wastewater Ordinance
- A strike through copy of the proposed IWO
- A clean copy of the proposed Enforcement Response Plan
- A disk containing pdf versions of the attached files

We began the public comment period for the proposed changes on April 17, 2013. We have had four public meetings to present the proposed changes to our permitted facilities and the interested public. The public comment has been advertised on our County website and through mailers to our permitted facilities and related organizations. We are currently anticipating having these proposed changes on the June 18, 2013 Board of Supervisor's Agenda for adoption.

If you have any questions or require additional information, please feel free to contact me or Doug Kirkland at (520)724-6200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "F. Prevatt", written in a cursive style.

F. Jeff Prevatt
Program Manager
Pima County Regional Wastewater Reclamation Department
Compliance & Regulatory Affairs Office



OFFICE OF THE
Pima County Attorney
Civil Division

32 N. Stone Avenue
Suite 2100
Tucson, Arizona 85701-1412
(520) 740-5750
Fax (520) 620-6556

Barbara LaWall
PIMA COUNTY ATTORNEY

May 14, 2013

Galleo Gutierrez
Water Quality Compliance Assurance Unit
Pretreatment Program
110 West Washington Street
Phoenix, AZ 85007

RE: Legal Authority for Pima County Regional Wastewater Reclamation Deputy to Implement a Pretreatment Program

Dear Mr. Gutierrez:

Pima County (PC) has had a nationally recognized and awarded pretreatment program since 1982. Several national acclaims were bestowed on Pima County for originating their Pollution Prevention School. Its purpose is to educate permittees as to how to comply with the Pretreatment Ordinance and Permit Requirements. These amendments to the Industrial Wastewater Control (IWC) Ordinance and Enforcement Response Plan (ERP) are a continuing effort to maintain a world class program.

The Regional Wastewater Reclamation Department (RWRD) has recently reconstructed and upgraded both of its major Public Owned Treatment Works (POTW). These facilities are known as the Ina Road Wastewater Reclamation Facility and the Roger Road Wastewater Reclamation Facility. These facilities are permitted to treat 50 and 41 million gallons per day (MGD), respectively. When the New Roger Road facility comes online, it will have a design capacity of 35 MGD. Additionally PCRWRD operates eight other facilities. They are Arivaca Junction Wastewater Reclamation Facility, Avra Valley Wastewater Reclamation Facility (A70024121), Corona de Tucson Wastewater Reclamation Facility (A70024937), Pima County Fairgrounds Wastewater Reclamation Facility, Green Valley Wastewater Reclamation Facility (A70024937), Kino Environmental Restoration Project (A70025291), Randolph Park Wastewater Reclamation Facility, and Mt. Lemmon Wastewater Reclamation Facility (A70022250).

The Arizona Department of Environmental Quality (ADEQ) has issued Arizona Pollutant Discharge Elimination System Permit No. AZ0020001 for the Ina Road Wastewater Reclamation Facility, and Permit No. AZ0020923 for the Roger Road Wastewater Reclamation Facility. The terms of the permits require that the Regional Wastewater Reclamation Department implement and adopt a Pretreatment Program which meets the requirements of Title 40 of the Code of Federal Regulations (CFR), Section 403. This regulation also requires a system wide pretreatment program.

The intent of this letter is to confirm that the County has the legal authority to adopt, implement and enforce such a Pretreatment Program. It is my opinion that the County has such authority under (1) A.R.S. § 11-264, County Authority to Operate a Sewage System attached, (2) A.R.S. § 49-391, Local Enforcement of Water Pretreatment Requirements attached; civil penalties; and (3) the proposed Pretreatment Program which will be adopted by Pima County Ordinance. A copy of the proposed ordinance is included.

It is anticipated that the Board of Supervisors will adopt the proposed ordinance at a regular meeting. The proposed ordinance will allow the Regional Wastewater Reclamation Department to implement and enforce all requirements under 40 CFR 403.8(f).

The County will apply pretreatment standards to individual industrial users through a Wastewater Discharge Permit system, and by direct enforcement of the proposed ordinance. A description of the exact procedures to be used in implementing the Pretreatment Program is provided in the attached Enforcement Response Plan (4) that will be approved by resolution of the Board.

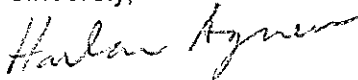
The Regional Wastewater Reclamation Department will ensure compliance with pretreatment standards and requirements through an inspection and sampling program authorized under the proposed regulations, which will allow for the determination of non-compliance with discharge limitations and requirements independent of information supplied by Industrial Users. The inspection and sampling program is described in the Pretreatment submittal.

Those violating permit conditions are subject to having service terminated, permit revocation, injunctions, as well as the imposition of civil and criminal penalties. The Regional Wastewater Reclamation Department is authorized to take court action where necessary to enforce compliance with its proposed regulations, permits or ordinances.

The annual reports of Pima Counties Pretreatment Program have demonstrated over the years a very successful program. It has successfully used penalties to induce compliance along with a record of achieving compliance with Negotiated Settlement Agreements and Consent Decrees. Audits of the program have demonstrated that this program is world class and a model for the State of Arizona.

I believe the aforementioned addresses those matters required under 40 CFR Section 403 and hereby certify as Deputy Pima County Attorney that the Regional Wastewater Reclamation Department has the legal authority to implement, enforce and penalize those in violation of the County's Pretreatment Ordinance. If you have any further questions, or if additional information is needed, please feel free to call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harlan Agnew".

Harlan Agnew
Deputy County Attorney

Enclosures

11-264. Authority to operate a sewage system; liens; sewage system user fees

A. Subject to the rights of a city or town pursuant to section 9-514.01, any county with a population between one million and two million persons may purchase, construct or operate a sewage system, including the collection, transportation, pumping, treatment and disposal of sewage, and charge fees and levy taxes therefor, provided the county secures the assent by resolution of the governing bodies of those incorporated cities and towns representing not less than one-half of the population of the county before purchase, construction or operation of a sewage system, provided that once an initial assent is given no further assent is necessary to operate or improve the system.

B. The provisions of this section are declaratory of existing law and shall not affect the validity of the authorization or issuance of any bonds by a county for sewage purposes.

C. A county may file a lien on property for the nonpayment of sewage system user fees for services provided to the property if the payment of the fees is delinquent for more than ninety days.

D. Before filing the lien, the county shall provide written notice to the owner of the property. The notice shall be given at least thirty days before filing the lien and shall include an opportunity for a hearing with a designated county official. The notice shall be either personally served or mailed to the property owner, at the last known address by certified mail, or to the address to which the tax bill for the property was last mailed. If the owner does not reside on the property, the notice shall be sent to the last known address.

E. The unpaid sewage system user fees, from the date of recording in the office of the county recorder in the county in which the property is located, are a lien on the property until the fees are paid. The lien is subject and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. A sale of the property to satisfy a lien obtained under this section shall be made on judgment of foreclosure and order of sale. A county may bring an action to enforce the lien in the superior court in the county in which the property is located at any time after the recording, but failure to enforce the lien by this action does not affect its validity. The recorded unpaid sewage system user fees are prima facie evidence of the truth of all matters recited in the recording and of the regularity of all proceedings before the recording.

F. Unpaid sewage system user fees pursuant to this section accrue interest at the rate prescribed by section 44-1201.

G. A prior assessment of unpaid sewage system user fees for the purposes provided in this section does not bar a subsequent assessment for these purposes and any number of liens on the same lot or tract of land may be enforced in the same action.

H. Subsection C of this section does not apply to residential property occupied by a lessee where the lessee is responsible for payment of the sewage system user fees. The county shall determine the status of leased residential property before filing the lien.

49-391. Local enforcement of water pretreatment requirements; civil penalties

A. A city, town, county or sanitary district of this state may adopt, amend or repeal any ordinances necessary for implementing and enforcing the pretreatment requirements under the federal water pollution control act amendments of 1972 (P.L. 92-500; 86 Stat. 816; 33 United States Code sections 1251 through 1376), as amended, and enforce the ordinances by imposing and recovering a civil penalty of not more than twenty-five thousand dollars for each violation as prescribed by this section. For continuing violations, each day may constitute a separate offense.

B. A city, town, county or sanitary district shall not receive civil penalties under this section if an interested person, the United States, this state, or another city, town, county or sanitary district has received civil penalties or is diligently prosecuting a civil penalty action in a court of the United States or this state, or in an administrative enforcement proceeding, with respect to the same allegations, standard, requirement, or order. This state, and any city, town, county or sanitary district of this state that is or may be affected by a civil, judicial or administrative action, may intervene as a matter of right in any pending civil, judicial or administrative action for purposes of obtaining injunctive or declaratory relief.

C. The city, town, county or sanitary district may seek compliance with pretreatment ordinances and recovery of the civil penalties provided by this section either by an action in superior court or by a negotiated settlement agreement. Before a consent decree filed with superior court or a negotiated settlement becomes final, the city, town, county or sanitary district seeking compliance shall provide a period of thirty days for public comment. In determining the amount of a civil penalty the court and the city, town, county or sanitary district shall consider:

1. The seriousness of the violation.
2. The economic benefit, if any, resulting from the violation.
3. Any history of such violation.
4. Any good faith efforts to comply with the applicable requirements.
5. The economic impact of the penalty on the violator.
6. Such other factors as justice may require.

D. In addition to the remedies provided in this section, enforcement of such ordinances may include injunctive or other equitable relief.

E. All monies collected pursuant to an ordinance adopted under this section shall be deposited with the respective city, town, county or sanitary district.



TREASURER OF PIMA COUNTY

WARRANT NO.
22690033

IN PAYMENT OF APPROVED CLAIM
FOR SUPPLIES AND / OR SERVICES
BY ORDER OF THE BOARD OF
SUPERVISORS PIMA COUNTY, ARIZONA

91 - 170 / 1221 AZ

Details on back.

PAY

Two Thousand And 00/100 Dollars

TO THE ORDER OF

THE STATE OF ARIZONA
1110 W WASHINGTON ST
MAILCODE 5415A-1
PHOENIX, AZ 85007

DATE
03-28-2013

WARRANT AMOUNT
\$*****2,000.00

Ramon Valdez Robin Brigate

Security Features included

BANK OF AMERICA, TUCSON, U.S.A

⑈ 22690033 ⑈ ⑆ 122101706 ⑆ 000411000214 ⑈

Changes to the Industrial Wastewater Discharge Ordinance

Authority clarified with Arizona Statute/Code referencing Federal Code

Definitions consolidated into a single section

Deleted Limits:

- Phenols (Total)
- Sulfides (Dissolved)
- Dichlorodifluoromethane
- Trichlorofluoromethane

Sulfide (Total) and Cyanide modified to Grab Sample in compliance with method

pH limit modified from 6-9 SU to 5-11 SU

Definition of Composite Sample modified from minimum of 8 aliquots to minimum of 4 matching ADEQ's definition

EPA Streamlining Changes:

- Addition of BMP's as alternative compliance measure
- Revisions to definition of Significant Noncompliance
- Late reporting violation extended from 30 days to 45 days
- Resampling requirement modified from 10 days to 30 days
- Optional Reduced Reporting Option added

Modification of Dental Exemption to specify BMP's.

Addition of Grease Management Program to standardize Fats, Oil & Grease (FOG) compliance for Food Service Facilities:

- Provides consistency across jurisdictions
- DFU table provided
- BMP requirements outlined

Application and appeals process expanded:

- Application simplified for Industrial Users
- Application Review Timeframes clarified to meet SB 1598 requirements
- Appeals separated into Application and Enforcement sections
- Septage application section clarified and moved into a single section
- Variance request process clarified

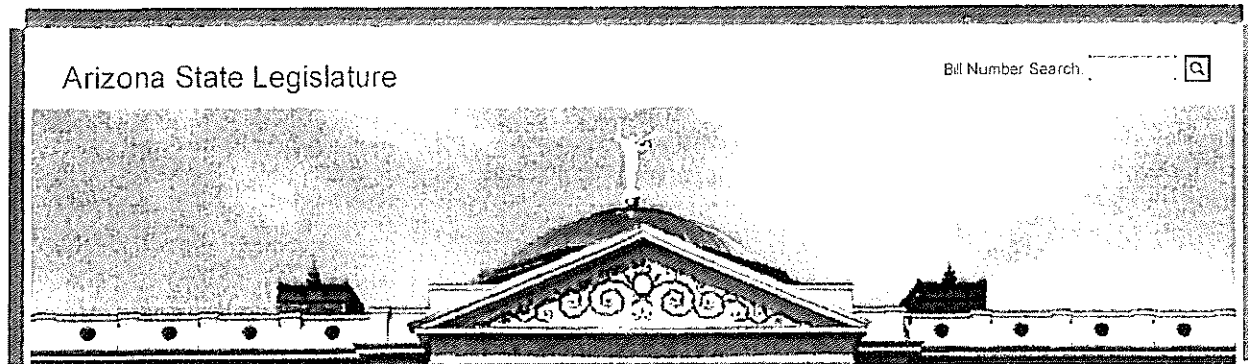
Addition of Environmental Audit Confidentiality per ARS 49-1401 and 49-1404.

Addition of Satellite Collection System Agreement requirements to meet federal standards

Posting of Bond requirements removed both from General Permit Conditions and Septage Hauler Permit Condition

Application Fees increased for the first time since 1991:

- Five Year Permit Application Fee for Septage Discharge or Industrial User from \$75 to \$150
- Five Year Permit Application Fee for Significant Industrial User from \$600 to \$800



Fifty-first Legislature - First Regular Session

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11-264. Authority to operate a sewage system; liens; sewage system user fees

A. Subject to the rights of a city or town pursuant to section 9-514.01, any county with a population between one million and two million persons may purchase, construct or operate a sewage system, including the collection, transportation, pumping, treatment and disposal of sewage, and charge fees and levy taxes therefor, provided the county secures the assent by resolution of the governing bodies of those incorporated cities and towns representing not less than one-half of the population of the county before purchase, construction or operation of a sewage system, provided that once an initial assent is given no further assent is necessary to operate or improve the system.

B. The provisions of this section are declaratory of existing law and shall not affect the validity of the authorization or issuance of any bonds by a county for sewage purposes.

C. A county may file a lien on property for the nonpayment of sewage system user fees for services provided to the property if the payment of the fees is delinquent for more than ninety days.

D. Before filing the lien, the county shall provide written notice to the owner of the property. The notice shall be given at least thirty days before filing the lien and shall include an opportunity for a hearing with a designated county official. The notice shall be either personally served or mailed to the property owner, at the last known address by certified mail, or to the address to which the tax bill for the property was last mailed. If the owner does not reside on the property, the notice shall be sent to the last known address.

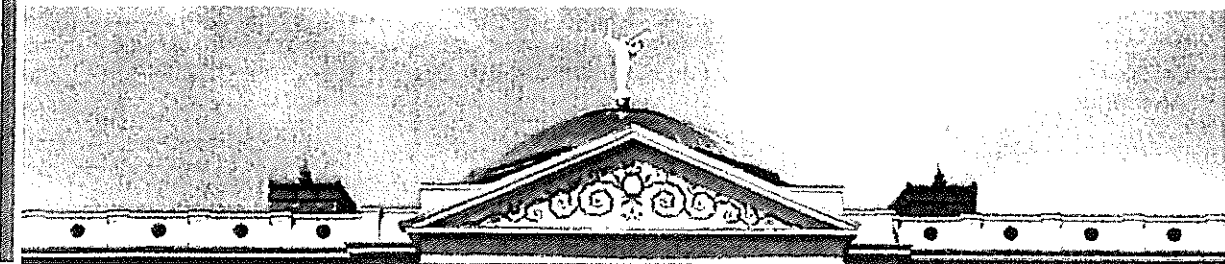
E. The unpaid sewage system user fees, from the date of recording in the office of the county recorder in the county in which the property is located, are a lien on the property until the fees are paid. The lien is subject and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. A sale of the property to satisfy a lien obtained under this section shall be made on judgment of foreclosure and order of sale. A county may bring an action to enforce the lien in the superior court in the county in which the property is located at any time after the recording, but failure to enforce the lien by this action does not affect its validity. The recorded unpaid sewage system user fees are prima facie evidence of the truth of all matters recited in the recording and of the regularity of all proceedings before the recording.

F. Unpaid sewage system user fees pursuant to this section accrue interest at the rate prescribed by section 44-1201.

G. A prior assessment of unpaid sewage system user fees for the purposes provided in this section does not bar a subsequent assessment for these purposes and any number of liens on the same lot or tract of land may be enforced in the same action.

H. Subsection C of this section does not apply to residential property occupied by a lessee where the lessee is responsible for payment of the sewage system user fees. The county shall determine the status of leased residential property before filing the lien.

Arizona State Legislature

Bill Number Search: 

Fifty-first Legislature - First Regular Session

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[ARS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)
49-391. Local enforcement of water pretreatment requirements: civil penalties

A. A city, town, county or sanitary district of this state may adopt, amend or repeal any ordinances necessary for implementing and enforcing the pretreatment requirements under the federal water pollution control act amendments of 1972 (P.L. 92-500; 86 Stat. 816; 33 United States Code sections 1251 through 1376), as amended, and enforce the ordinances by imposing and recovering a civil penalty of not more than twenty-five thousand dollars for each violation as prescribed by this section. For continuing violations, each day may constitute a separate offense.

B. A city, town, county or sanitary district shall not receive civil penalties under this section if an interested person, the United States, this state, or another city, town, county or sanitary district has received civil penalties or is diligently prosecuting a civil penalty action in a court of the United States or this state, or in an administrative enforcement proceeding, with respect to the same allegations, standard, requirement, or order. This state, and any city, town, county or sanitary district of this state that is or may be affected by a civil, judicial or administrative action, may intervene as a matter of right in any pending civil, judicial or administrative action for purposes of obtaining injunctive or declaratory relief.

C. The city, town, county or sanitary district may seek compliance with pretreatment ordinances and recovery of the civil penalties provided by this section either by an action in superior court or by a negotiated settlement agreement. Before a consent decree filed with superior court or a negotiated settlement becomes final, the city, town, county or sanitary district seeking compliance shall provide a period of thirty days for public comment. In determining the amount of a civil penalty the court and the city, town, county or sanitary district shall consider:

1. The seriousness of the violation.
2. The economic benefit, if any, resulting from the violation.
3. Any history of such violation.
4. Any good faith efforts to comply with the applicable requirements.
5. The economic impact of the penalty on the violator.
6. Such other factors as justice may require.

D. In addition to the remedies provided in this section, enforcement of such ordinances may include injunctive or other equitable relief.

E. All monies collected pursuant to an ordinance adopted under this section shall be deposited with the respective city, town, county or sanitary district.

- B. The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.
- C. The issuance of a permit does not authorize any injury to a person or property or invasion of other private rights, or any infringement of federal, state, or local law, or regulations

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4).

R18-9-A905. AZPDES Program Standards

- A. Except for subsection (A)(1), the following 40 CFR sections and appendices, July 1, 2003 edition, as they apply to the NPDES program, are incorporated by reference, do not include any later amendments or editions of the incorporated material, and are on file with the Department:
 - 1. General program requirements.
 - a. 40 CFR 122.7;
 - b. 40 CFR 122.21, except 40 CFR 122.21(a) through (e) and (i);
 - c. 40 CFR 122.22;
 - d. 40 CFR 122.26, except 40 CFR 122.26(c)(2), and 40 CFR 122.26(e)(2);
 - e. 40 CFR 122.29;
 - f. 40 CFR 122.32;
 - g. 40 CFR 122.33;
 - h. 40 CFR 122.34;
 - i. 40 CFR 122.35;
 - j. 40 CFR 122.62(a) and (b).
 - 2. Procedures for Decision making.
 - a. 40 CFR 124.8, except 40 CFR 124.8(b)(3); and
 - b. 40 CFR 124.56.
 - 3. Permit requirements and conditions.
 - a. 40 CFR 122.41, except 40 CFR 122.41(a)(2) and (a)(3);
 - b. 40 CFR 122.42;
 - c. 40 CFR 122.43;
 - d. 40 CFR 122.44;
 - e. 40 CFR 122.45;
 - f. 40 CFR 122.47;
 - g. 40 CFR 122.48; and
 - h. 40 CFR 122.50.
 - 4. Criteria and standards for the national pollutant discharge elimination system. 40 CFR 125, subparts A, B, D, H, and I.
 - 5. Toxic pollutant effluent standards. 40 CFR 129.
 - 6. Secondary treatment regulation. 40 CFR 133.
 - 7. Guidelines for establishing test procedures for the analysis of pollutants, 40 CFR 136.
 - 8. Effluent guidelines and standards.
 - a. General provisions, 40 CFR 401; and
 - b. General pretreatment regulations for existing and new sources of pollution, 40 CFR 403 and Appendices A, D, E, and G.
 - 9. Effluent limitations guidelines. 40 CFR 405 through 40 CFR 471.
 - 10. Standards for the use or disposal of sewage sludge. 40 CFR 503, Subpart C.
 - 11. The following substitutions apply to the material in subsections (A)(1) through (A)(10):
 - a. Substitute the term AZPDES for any reference to NPDES;
 - b. Except for 40 CFR 122.21(f) through (q), substitute R18-9-B901 (individual permit), and R18-9-C901 (general permit), for any reference to 40 CFR 122.21;
 - c. Substitute Articles 9 and 10 of this Chapter for any reference to 40 CFR 122;
 - d. Substitute R18-9-C901 for any reference to 40 CFR 122.28;
 - e. Substitute R18-9-B901 (individual permit), and R18-9-C901 (general permit), for any reference to 40 CFR 122 subpart B;
 - f. Substitute Articles 9 and 10 of this Chapter for any reference to 40 CFR 123;
 - g. Substitute Articles 9 and 10 of this Chapter for any reference to 40 CFR 124;
 - h. Substitute R18-9-1006 for any reference to 40 CFR 503.32; and
 - i. Substitute R18-9-1010 for any reference to 40 CFR 503.33.
- B. A person shall analyze a pollutant using a test procedure for the pollutant specified by the Director in an AZPDES permit. If the Director does not specify a test procedure for a pollutant in an AZPDES permit, a person shall analyze the pollutant using:
 - 1. A test procedure listed in 40 CFR 136, which is incorporated by reference in subsection (A)(7);
 - 2. An alternate test procedure approved by the EPA as provided in 40 CFR 136;
 - 3. A test procedure listed in 40 CFR 136, with modifications allowed by the EPA and approved as a method alteration by the Arizona Department of Health Services under A.A.C. R9-14-610(B); or
 - 4. If a test procedure for a pollutant is not available under subsection (B)(1) through (B)(3), a test procedure listed in A.A.C. R9-14-612 or approved under A.A.C. R9-14-610(B).

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 2704, effective June 5, 2002 (Supp. 02-2). Amended by final rulemaking at 9 A.A.R. 5564, effective February 2, 2004 (Supp. 03-4).

R18-9-A906. General Pretreatment Regulations for Existing and New Sources of Pollution

- A. The reduction or alteration of a pollutant may be obtained by physical, chemical, or biological processes, process changes, or by other means, except as prohibited under 40 CFR 403.6(d), which is incorporated by reference in R18-9-A905(A)(8)(b). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loading that might interfere with or otherwise be incompatible with the POTW. However, if wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility shall meet an adjusted pretreatment limit calculated under 40 CFR 403.6(e), which is incorporated by reference in R18-9-A905(A)(8)(b).
- B. Pretreatment applies to:
 - 1. Pollutants from non-domestic sources covered by pretreatment standards that are indirectly discharged, transported by truck or rail, or otherwise introduced into POTWs;
 - 2. POTWs that receive wastewater from sources subject to national pretreatment standards; and
 - 3. Any new or existing source subject to national pretreatment standards.
- C. National pretreatment standards do not apply to sources that discharge to a sewer that is not connected to a POTW.
- D. For purposes of this Section the terms "National Pretreatment Standard" and "Pretreatment Standard" mean any regulation containing pollutant discharge limits promulgated by EPA under section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317), which applies to Industrial Users. This term includes prohibitive discharge limits established under 40 CFR 403.5.

Historical Note

New Section made by final rulemaking at 7 A.A.R. 5879, effective December 7, 2001 (Supp. 01-4).

R18-9-A907. Public Notice

A. Individual permits.

- 1. The Director shall publish a notice that a draft individual permit has been prepared, or a permit application has been tentatively denied, in one or more newspapers of general circulation where the facility is located. The notice shall contain:
 - a. The name and address of the Department;
 - b. The name and address of the permittee or permit applicant and if different, the name of the facility or activity regulated by the permit;
 - c. A brief description of the business conducted at the facility or activity described in the permit application;
 - d. The name, address, and telephone number of a person from whom an interested person may obtain further information, including copies of the draft permit, fact sheet, and application;
 - e. A brief description of the comment procedures, the time and place of any hearing, including a statement of procedures to request a hearing (unless a hearing has already been scheduled), and any other procedure by which the public may participate in the final permit decision;
 - f. A general description of the location of each existing or proposed discharge point and the name of the receiving water;
 - g. For sources subject to section 316(a) of the Clean Water Act, a statement that the thermal component of the discharge is subject to effluent limitations under the Clean Water Act, section 301 (33 U.S.C. 1311) or 306 (33 U.S.C. 1316) and a brief description, including a quantitative statement, of the thermal effluent limitations proposed under section 301 (33 U.S.C. 1311) or 306 (33 U.S.C. 1316);
 - h. Requirements applicable to cooling water intake structures at new facilities subject to 40 CFR 125, subpart I; and
 - i. Any additional information considered necessary to the permit decision.
- 2. The Department shall provide the applicant with a copy of the draft individual permit.
- 3. Copy of the notice. The Department shall provide the following entities with a copy of the notice:
 - a. The applicant or permittee;
 - b. Any user identified in the permit application of a privately owned treatment works;
 - c. Any affected federal, state, tribal, or local agency, or council of government;
 - d. Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources, the Arizona Historic Preservation Office, and the U.S. Army Corps of Engineers;

Pima County Regional Wastewater Reclamation Department
Comment/Response Summary
Industrial Wastewater Ordinance/Enforcement Response Plan

	Location/Comment	Date Rec'd	Name/Contact	Response	Initials
1	13.36.090C Dental Facilities Requests defining BMP's as ADA Standards Requests phase in of the requirement to implement BMP's	5/17/2013, 5/31/2013 and 6/4/2013	Kevin Earle Executive Director Arizona Dental Association 480-344- 5777x310	Reference to ADA BMP's for amalgam separators has been added in anticipation of approval from the ADA. Grandfathering language has been added that requires installation of amalgam separators only on new facilities, updated facilities or any facility found to be in violation of the Ordinance limit set forth in 13.36.070.	JH
2	13.36.090.A.1. Request clarification on grinder installations	5/29/2013	ADEQ	Additional background information on the use on waste grinders in medical facilities has been provided to ADEQ.	DK
3	13.36.170.A.2 Requests Citation for the origin of the "Phenolics Rule"	5/29/2013	ADEQ	Citation of ARS 49-391 Historical and Statutory notes provided to ADEQ for their files.	DK
4	ERP 2.4 Request for clarification on "Phenolics Rule"	5/19/2013	ADEQ	Citation of ARS 49-391 Historical and Statutory notes provided to ADEQ for their files.	DK
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Janice Hughes

From: Janice Hughes
Sent: Tuesday, June 04, 2013 1:04 PM
To: 'Kevin Earle'
Cc: Harlan Agnew; Douglas Kirkland
Subject: RE: Arizona Dental Association comment on Proposed Industrial Wastewater Ordinance - additl suggestion

Here's what the revised language will read, based on the future approval by the ADA:

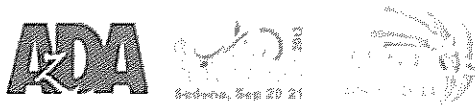
Dental Facilities

Dental facilities built prior to August, 2013 need not implement the requirement for a new dental facility or obtain an Industrial Wastewater Discharge Permit until such time as they are updated or the discharge from their facility is identified as exceeding the Ordinance limits listed in 13.36.070. Any new dental facility or existing facility making a modification requiring the submittal of plans for construction or tenant improvements must install mercury amalgam separators to control mercury bearing wastestreams and are exempted from the requirement to obtain an Industrial Wastewater Discharge Permit as long as **Best Management Practices for Amalgam Waste as promulgated by the American Dental Association (October, 2007)** are implemented to control Mercury bearing wastestreams including but not limited to the use of an amalgam separator; staff training on amalgam waste handling, management and disposal; and vacuum system/amalgam separator maintenance recordkeeping.

*Janice Hughes, PE - Permit & Regulatory Compliance Coordinator
Pima County RWRD CRAO IWC
520-724-6200*

From: Kevin Earle [mailto:Kevin@azda.org]
Sent: Tuesday, June 04, 2013 12:33 PM
To: Janice Hughes
Subject: RE: Arizona Dental Association comment on Proposed Industrial Wastewater Ordinance - additl suggestion

I can pass the request along to the ADA General Counsel. I will do that right away.



Kevin Earle, MBA, MPH

Executive Director

AzDA | Arizona Dental Association

3193 N Drinkwater Blvd

Scottsdale, AZ 85251-6491

480.344.5777 x310

800.866.2732 x310

480-344-1442 Fax

Kevin@azda.org | www.AzDA.org

'Arizona's Voice of Dentistry Since 1909'



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From: Janice Hughes [mailto:Janice.Hughes@pima.gov]
Sent: Tuesday, June 04, 2013 10:12 AM
To: Kevin Earle
Cc: Douglas Kirkland; Harlan Agnew
Subject: RE: Arizona Dental Association comment on Proposed Industrial Wastewater Ordinance - additl suggestion

Good afternoon Kevin,

I discussed this with our County Attorney and he says that if we can reference the document, we can modify the language. My only problem at this point is that I need permission for the American Dental Association to do so. The following language is from the cover of the document:

Noncommercial use, reproduction and distribution of all or any portion of the American Dental Association's *Best Management Practices for Amalgam Waste* is permitted solely for educational or scientific purposes, provided that this copyright notice is prominently displayed on each copy of the work. Third parties are expressly prohibited from creating derivatives of this work without the prior written permission of the American Dental Association. This work is educational only and does not constitute legal or professional advice.

By referencing the document it becomes legal...

Can you get us permission to use this document in this framework?

*Janice Hughes, PE - Permit & Regulatory Compliance Coordinator
Pima County RWRD CRAO IWC
520-724-6200*

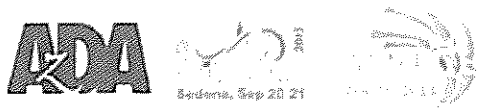
From: Kevin Earle [mailto:Kevin@azda.org]
Sent: Friday, May 31, 2013 11:14 AM
To: Janice Hughes
Cc: Douglas Kirkland
Subject: RE: Arizona Dental Association comment on Proposed Industrial Wastewater Ordinance - additl suggestion

Hi Janice/Doug,

My only comment is that the term "Best Management Practices" as defined at 13.36.040 is a generic definition that does not relate specifically to the handling of amalgam waste. To avoid any confusion in the dental community, I would recommend that the regulation in this section should specifically refer to "Best Management Practices for Amalgam Waste" as promulgated by the American Dental Association. This document can be found at http://www.ada.org/sections/publicResources/pdfs/topics_amalgamwaste.pdf

Thank you for your consideration.

Kevin Earle



Kevin Earle, MBA, MPH

Executive Director

AzDA | Arizona Dental Association

3193 N Drinkwater Blvd

Scottsdale, AZ 85251-6491

480.344.5777 x310

800.866.2732 x310

480-344-1442 Fax

Kevin@azda.org | www.AzDA.org

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From: Janice Hughes [<mailto:Janice.Hughes@pima.gov>]

Sent: Friday, May 31, 2013 10:20 AM

To: Kevin Earle

Cc: Douglas Kirkland

Subject: RE: Arizona Dental Association comment on Proposed Industrial Wastewater Ordinance

Good morning Mr. Earle,

Doug Kirkland asked that I forward the following revised language to you regarding our proposed Industrial Wastewater Ordinance. We worked with our County Attorney this morning to further refine the grandfathering language. Please contact Doug on Monday if you have any further questions or comments regarding this language. We will be submitting our package to the Clerk of the Board on Wednesday, June 5, 2013 for inclusion on the June 18, 2013 Board Agenda.

Thank you for your input on this process.

*Janice Hughes, PE - Permit & Regulatory Compliance Coordinator
Pima County RWRD CRAO IWC
520-724-6200*

13.36.090.C Dental Facilities

Dental facilities built prior to August, 2013 need not implement the requirement for a new dental facility or obtain an Industrial Wastewater Discharge Permit until such time as they are updated or the discharge from their facility is identified as exceeding the Ordinance limits listed in 13.36.070. Any new dental facility or existing facility making a modification requiring the submittal of plans for construction or tenant improvements must install mercury amalgam separators to control mercury bearing wastestreams and are exempted from the requirement to obtain an Industrial Wastewater Discharge Permit as long as Best Management Practices are implemented to control Mercury bearing

wastestreams including but not limited to the use of an amalgam separator; staff training on amalgam waste handling, management and disposal; and vacuum system/amalgam separator maintenance recordkeeping.

From: Kevin Earle [<mailto:Kevin@azda.org>]

Sent: Friday, May 17, 2013 2:36 PM

To: Douglas Kirkland; RWRD_IWC

Cc: ListServe - azda-board; ListServe - council-government-affairs; ListServe - sads-board

Subject: Arizona Dental Association comment on Proposed Industrial Wastewater Ordinance

Attached please find out comments to the proposed ordinance.

Thank you for your consideration.



Kevin Earle, MBA, MPH

Executive Director

AzDA | Arizona Dental Association

3193 N Drinkwater Blvd

Scottsdale, AZ 85251-6491

480.344.5777 x310

800.866.2732 x310

480-344-1442 Fax

Kevin@azda.org | www.AzDA.org

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BEST MANAGEMENT PRACTICES FOR AMALGAM WASTE

American Dental Association
October 2007

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Glossary of Amalgam Waste Terms

- **Amalgam capture device** is an apparatus such as a chair side trap, vacuum pump filter or amalgam separator that collects amalgam particles.
- **Amalgam sludge** is a mixture of liquid and solid material that collects within vacuum pump filters, amalgam separators or other amalgam capture devices that may be used.
- **Contact amalgam** is amalgam that has been in contact with the patient. Examples are extracted teeth with amalgam restorations, carving scrap collected at chair side, and amalgam captured by chair side traps, filters, or screens.
- **Dental Best Management Practices** are a series of amalgam waste handling and disposal practices that include, but are not limited to, initiating bulk mercury collection programs, using chair side traps, amalgam separators compliant with ISO 11143³ and vacuum collection, inspecting and cleaning traps, and recycling or using a commercial waste disposal service to dispose of the amalgam collected.
- **Empty amalgam capsules** are the individually dosed containers left over after mixing precapsulated dental amalgam.
- **Non-contact amalgam (scrap)** is excess mix leftover at the end of a dental procedure.

The ADA recommends against the use of bulk elemental mercury, also referred to as liquid or raw mercury, for use in the dental office. Since 1984, the ADA has recommended use of precapsulated amalgam alloy.

If you still have bulk elemental mercury in the office, you should recycle it. Check with a licensed recycler to determine whether they will accept bulk mercury. **Do not** pour bulk elemental mercury waste in the garbage, red bag or down the drain. You also should check with your state regulatory agency and municipality to find out if a bulk mercury collection program is available. Such bulk mercury collection programs provide an easy way to dispose of bulk mercury.

Steps for Recycling Amalgam Waste

1. Stock amalgam capsules in a variety of sizes to minimize the amount of amalgam waste generated.
2. Amalgam waste may be mixed with body fluids, such as saliva, or other potentially infectious material, so use personal protective equipment such as utility gloves, masks, and protective eyewear when handling it.
3. Contact an amalgam waste recycler about any special requirements that may exist in your area for collecting, storing and transporting amalgam waste.

³ International Standards Organization 11143:1999. Dental Equipment – Amalgam Separators.
211 East Chicago Avenue, Chicago, Illinois 60611-2678

Best Management Practices for Amalgam Waste

DO	DON'T
Do use precapsulated alloys and stock a variety of capsule sizes	Don't use bulk mercury
Do recycle used disposable amalgam capsules	Don't put used disposable amalgam capsules in biohazard containers, infectious waste containers (red bags) or regular garbage
Do salvage, store and recycle non-contact amalgam (scrap amalgam)	Don't put non-contact amalgam waste in biohazard containers, infectious waste containers (red bags) or regular garbage
Do salvage (contact) amalgam pieces from restorations after removal and recycle the amalgam waste	Don't put contact amalgam waste in biohazard containers, infectious waste containers (red bags) or regular garbage
Do use chair-side traps, vacuum pump filters and amalgam separators to retain amalgam and recycle their contents.	Don't rinse devices containing amalgam over drains or sinks
Do recycle teeth that contain amalgam restorations. (Note: Ask your recycler whether or not extracted teeth with amalgam restorations require disinfection)	Don't dispose of extracted teeth that contain amalgam restorations in biohazard containers, infectious waste containers (red bags), sharps containers or regular garbage
Do manage amalgam waste through recycling as much as possible	Don't flush amalgam waste down the drain or toilet
Do use line cleaners that minimize dissolution of amalgam	Don't use bleach or chlorine-containing cleaners to flush wastewater lines

Additional Resources

The following articles published in the *Journal of the American Dental Association* are available through the ADA Division of Science and also are available to ADA members online.

For information on proper mercury hygiene practices see "[Dental Mercury Hygiene Recommendations](#)". 2003:134(11);1498-9.

For information on choosing line cleaners that minimize the dissolution of mercury from amalgam see: "[The effect of disinfectants and line cleaners on the release of mercury from amalgam](#)" 2006:137(10);1419-25.

For information on amalgam separators see:

- "[Laboratory evaluation of amalgam separators](#)" 2002:133;577-89.
- "[Evaluating amalgam separators using an international standard](#)" 2006:137;999-1005.
- "[Purchasing, installing and operating dental amalgam separators: Practical issues](#)" 2003 134: 1054-65.

Janice Hughes

From: Janice Hughes
Sent: Tuesday, June 04, 2013 10:12 AM
To: 'Kevin Earle'
Cc: Douglas Kirkland; Harlan Agnew
Subject: RE: Arizona Dental Association comment on Proposed Industrial Wastewater Ordinance - additl suggestion

Good afternoon Kevin,

I discussed this with our County Attorney and he says that if we can reference the document , we can modify the language. My only problem at this point is that I need permission for the American Dental Association to do so. The following language is from the cover of the document:

Noncommercial use, reproduction and distribution of all or any portion of the American Dental Association's *Best Management Practices for Amalgam Waste* is permitted solely for educational or scientific purposes, provided that this copyright notice is prominently displayed on each copy of the work. Third parties are expressly prohibited from creating derivatives of this work without the prior written permission of the American Dental Association. This work is educational only and does not constitute legal or professional advice.

By referencing the document it becomes legal...

Can you get us permission to use this document in this framework?

Janice Hughes, PE - Permit & Regulatory Compliance Coordinator
Pima County RWRD CRAO IWC
520-724-6200

From: Kevin Earle [mailto:Kevin@azda.org]
Sent: Friday, May 31, 2013 11:14 AM
To: Janice Hughes
Cc: Douglas Kirkland
Subject: RE: Arizona Dental Association comment on Proposed Industrial Wastewater Ordinance - additl suggestion

Hi Janice/Doug,

My only comment is that the term "Best Management Practices" as defined at 13.36.040 is a generic definition that does not relate specifically to the handling of amalgam waste. To avoid any confusion in the dental community, I would recommend that the regulation in this section should specifically refer to "Best Management Practices for Amalgam Waste" as promulgated by the American Dental Association. This document can be found at http://www.ada.org/sections/publicResources/pdfs/topics_amalgamwaste.pdf

Thank you for your consideration.

Kevin Earle



Kevin Earle, MBA, MPH

Executive Director

AzDA | Arizona Dental Association

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800.866.2732 x310

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Kevin@azda.org | www.AzDA.org

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From: Janice Hughes [<mailto:Janice.Hughes@pima.gov>]

Sent: Friday, May 31, 2013 10:20 AM

To: Kevin Earle

Cc: Douglas Kirkland

Subject: RE: Arizona Dental Association comment on Proposed Industrial Wastewater Ordinance

Good morning Mr. Earle,

Doug Kirkland asked that I forward the following revised language to you regarding our proposed Industrial Wastewater Ordinance. We worked with our County Attorney this morning to further refine the grandfathering language. Please contact Doug on Monday if you have any further questions or comments regarding this language. We will be submitting our package to the Clerk of the Board on Wednesday, June 5, 2013 for inclusion on the June 18, 2013 Board Agenda.

Thank you for your input on this process.

Janice Hughes, PE - Permit & Regulatory Compliance Coordinator

Pima County RWRD CRAO IWC

520-724-6200

13.36.090.C Dental Facilities

Dental facilities built prior to August, 2013 need not implement the requirement for a new dental facility or obtain an Industrial Wastewater Discharge Permit until such time as they are updated or the discharge from their facility is identified as exceeding the Ordinance limits listed in 13.36.070. Any new dental facility or existing facility making a modification requiring the submittal of plans for construction or tenant improvements must install mercury amalgam separators to control mercury bearing wastestreams and are exempted from the requirement to obtain an Industrial Wastewater Discharge Permit as long as Best Management Practices are implemented to control Mercury bearing wastestreams including but not limited to the use of an amalgam separator; staff training on amalgam waste handling, management and disposal; and vacuum system/amalgam separator maintenance recordkeeping.

From: Kevin Earle [<mailto:Kevin@azda.org>]

Sent: Friday, May 17, 2013 2:36 PM

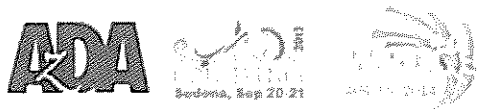
To: Douglas Kirkland; RWRD_IWC

Cc: ListServe - azda-board; ListServe - council-government-affairs; ListServe - sads-board

Subject: Arizona Dental Association comment on Proposed Industrial Wastewater Ordinance

Attached please find out comments to the proposed ordinance.

Thank you for your consideration.



Kevin Earle, MBA, MPH

Executive Director

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Janice Hughes

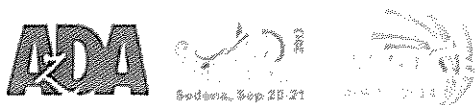
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Subject: RE: Arizona Dental Association comment on Proposed Industrial Wastewater Ordinance
- additl suggestion

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Thank you for your consideration.

Kevin Earle



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From: Janice Hughes [mailto:Janice.Hughes@pima.gov]

Sent: Friday, May 31, 2013 10:20 AM

To: Kevin Earle

Cc: Douglas Kirkland

Subject: RE: Arizona Dental Association comment on Proposed Industrial Wastewater Ordinance

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Thank you for your input on this process.

*Janice Hughes, PE - Permit & Regulatory Compliance Coordinator
Pima County RWRD CRAO IWC
520-724-6200*

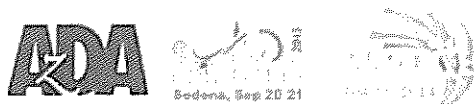
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From: Kevin Earle [<mailto:Kevin@azda.org>]
Sent: Friday, May 17, 2013 2:36 PM
To: Douglas Kirkland; RWRD_IWC
Cc: ListServe - azda-board; ListServe - council-government-affairs; ListServe - sads-board
Subject: Arizona Dental Association comment on Proposed Industrial Wastewater Ordinance

Attached please find out comments to the proposed ordinance.

Thank you for your consideration.



Kevin Earle, MBA, MPH

Executive Director

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Janice Hughes

From: Kevin Earle <Kevin@azda.org>
Sent: Friday, May 31, 2013 10:59 AM
To: Janice Hughes
Cc: Douglas Kirkland
Subject: RE: Arizona Dental Association comment on Proposed Industrial Wastewater Ordinance

Thank you Janice. This language is slightly different from what Doug sent me yesterday, but I think it is an improvement.

We should be fine with the change. Thank you for listening to our concerns!

Have a great weekend.

Kevin Earle



Kevin Earle, MBA, MPH

Executive Director

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Thank you for your input on this process.

*Janice Hughes, PE - Permit & Regulatory Compliance Coordinator
Pima County RWRD CRAO IWC
520-724-6200*

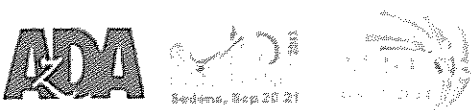
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Sent: Friday, May 17, 2013 2:36 PM
To: Douglas Kirkland; RWRD_IWC
Cc: ListServe - azda-board; ListServe - council-government-affairs; ListServe - sads-board
Subject: Arizona Dental Association comment on Proposed Industrial Wastewater Ordinance

Attached please find out comments to the proposed ordinance.

Thank you for your consideration.



Kevin Earle, MBA, MPH

Executive Director

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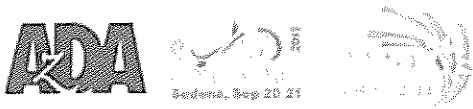
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Janice Hughes

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Sent: Friday, May 17, 2013 2:36 PM
To: Douglas Kirkland; RWRD_IWC
Cc: ListServe - azda-board; ListServe - council-government-affairs; ListServe - sads-board
Subject: Arizona Dental Association comment on Proposed Industrial Wastewater Ordinance
Attachments: Pima County Wastewater Ordinance- AZDA comment.pdf

Attached please find out comments to the proposed ordinance.

Thank you for your consideration.



Kevin Earle, MBA, MPH

Executive Director

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May 17, 2013

Pima County Regional Wastewater Reclamation Department
Jackson Jenkins, Director
201 North Stone Avenue, 8th Floor
Tucson, Arizona 85701

Ref: Proposed Ordinance on Industrial Wastewater

Dear Director Jenkins:

Thank you for the opportunity to comment on the above referenced proposed ordinance. Certainly the provisions of this Ordinance will have an effect on the practices of our member dentists in Pima County. The Arizona Dental Association represents 70% of the practicing dentists in Arizona, and over 292 of our Southern Arizona Dental Society members are located in Pima County.

In 2007, the American Dental Association adopted a policy known as "Best Management Practices for Amalgam Waste" (aka BMPs) anticipating that efforts would happen at the Federal, State and local level to control the levels of discharge of amalgam discharge into the wastewater. The ADA and AzDA have always encouraged our members to adopt such practices in a spirit for protecting our environment and many of our members have in fact installed amalgam separators in their facilities and are engaging in these best practices. Unfortunately, we are not in a position to specifically quantify these numbers, but we suspect that most dental facilities constructed in recent years do contain such equipment.

We applaud the Agency for its foresight on this issue and note that Section 13.36.090C of the proposed regulations specifically exempts dental facilities from the requirement to obtain and Industrial Wastewater Discharge Permit if the facility utilizes Amalgam BMPs. We would suggest that in order to have some clarity on this issue, the term "Best Management Practices" as used in this section should specifically reference the ADA Standards which are universally accepted by the dental community. By doing this, you would avoid a conflict with the definition that appears elsewhere in proposed ordinance at Section 13:36.040.

ARIZONA DENTAL ASSOCIATION
3193 N Drinkwater Blvd Scottsdale, AZ 85251
480.344.5777 Local • 480.344.1442 Fax

azda.org

While we understand the desire to encourage dental practices to move toward the adoption of BMPs, however we have a concern that the installation of this equipment on a retrofit basis will impose significant costs on many dental practices. While the ADA indicates that the estimated costs associated with installation of this equipment is about \$1200, those costs can be much more significant when working in existing facilities where such plumbing work is not easily accomplished, or in facilities that are leased and that have multiple tenants.

The Arizona Dental Association requests that you consider a phase in of these requirements, requiring that all newly constructed or renovated dental offices install such equipment and allowing a reasonable time frame for existing dental facilities to move into compliance with BMPs by a date certain in the future.

Thank you for the opportunity to comment. We are happy to be engaged in this process.

Please keep us advised of the outcome of your deliberations on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin B. Earle', with a stylized flourish at the end.

Kevin B. Earle, MPH
Executive Director

Cc: AzDA Board of Trustees
SADS Board of Directors
Council on Government Affairs



Arizona Restaurant Association

June 4, 2013

To: Pima County Regional Wastewater Reclamation Department
c/o Doug Kirkland, Permit and Regulatory Compliance Officer
201 North Stone Avenue, 8th Floor
Tucson, Arizona 85701

Re: Industrial Wastewater Pretreatment Program – Pima County


Dear Mr. Kirkland,

I am writing on behalf of the Arizona Restaurant Association (ARA) in regards to the proposed ordinance changes to the Industrial Wastewater Pretreatment Program in Pima County. Thank you for arranging a meeting with the ARA to discuss the proposed changes and for allowing restaurants to discuss with your division what impact this will have on their restaurants.

As you know, our restaurants are neutral on these particular changes and understand the importance of updating the wastewater practices in Pima County for restaurants.

Again, I sincerely appreciate your taking the time to meet with us and look forward to staying connected throughout this process. Please reach out to me if you need anything further.

Sincerely,


Sherry Gillespie
Government Relations Manager

Advocacy. Education. Collaboration.

4250 N. Drinkwater Blvd., Suite 350, Scottsdale, AZ 85251 * 465 W. St. Mary's Rd., Suite 300, Tucson, AZ 85701

P 602.307.9134 F 602.307.9139 azrestaurant.org

(posted April 12, 2013)

Pima County Regional Wastewater Reclamation Department Proposed Industrial Waste Permit Fee Changes

It is anticipated that the Board of Supervisors will consider a revision to the Industrial Waste ordinance (Title 13, Chapter 36), at its regularly scheduled meeting on June 18, 2013. The ordinance is being revised to address changes mandated by the Environmental Protection Agency (EPA) and Arizona Department of Environmental Quality (ADEQ). As part of this revision, the Industrial Wastewater Discharge Permit Fees under Section 13.36.120 are proposed to change as follow:

The Application and the Renewal Fees for:

Significant Industrial Users will be \$800.00
All Other Users will be \$150.00.

The County authority to charge industrial discharge permit fees is derived from A.R.S. § 11-264.

A copy of the complete proposed ordinance revision, a proposed updated Enforcement Response Plan, and schedule of Public Meetings can be found on the Pima County Regional Wastewater Reclamation Department's website at: <http://www.pima.gov/www/about/div/CRAO/IWC/index.htm>.

For questions and/or comments please email Pima County Regional Wastewater Reclamation Department at: RWRD_IWC@pima.gov or contact IWC Staff at 520-724-6200.

NOTICE
OF THE
PIMA COUNTY BOARD OF SUPERVI-
SORS

It is anticipated that the Board of Supervisors will hold a public hearing to consider a revision to the Industrial Waste Ordinance (Title 13, Chapter 36), at the meeting scheduled on Tuesday, June 18, 2013 at 9:00 a.m. or thereafter. The Pima County Regional Wastewater Reclamation Department has revised the ordinance to address changes mandated by the Environmental Protection Agency (EPA) and Arizona Department of Environmental Quality (ADEQ). The County authority to charge industrial discharge permit fees is derived from A.R.S. § 11-264.

The meeting will be held at the following location:

Pima County Administration Building
Board of Supervisors Hearing Room
130 West Congress, 1st Floor
Tucson, Arizona 85701

Copies of the proposed Ordinance Amendments, as well as a proposed updated Enforcement Response Plan, are available for public review at the Pima County Regional Wastewater Reclamation Department, Public Works Building, 201 N. Stone Avenue, (Northwest corner of Stone and Alameda). 8th Floor, Tucson, Arizona, and on the website at: <http://www.pima.gov/wrm/about/div/CRAO/IWC/index.htm>.

Dated this 3rd day of June, 2013

PUBLISH: The Daily Territorial

June 3, 2013