



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: March 3, 2020

Title: Code Text Amendment of Pima County Code Chapter 13.36 Industrial Wastewater

Introduction/Background:

This Code Amendment will prohibit discharge into the public sewer system of Aqueous Film Forming Foam (AFFF) containing intentionally added per- and polyfluoroalkyl substances (PFAS). This product may contains high levels of PFAS, which are persistent in the environment and may result in adverse health effects.

Discussion:

Aqueous Film Forming Foam (AFFF) is a fire fighting agent known to contain per- and polyfluoroalkyl substances (PFAS), and specifically perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS). This group of substances includes upwards of 5,000 human-made compounds which can be found in food packaging, clothing, carpet, and firefighting foam. The Center for Disease Control has associated PFAS exposure to several health-related outcomes. While there is no maximum contaminant level yet established, in 2016 the Environmental Protection Agency issued a lifetime health advisory level of 70 parts per trillion for drinking water for the combined concentrations of PFOA and PFOS. Reducing the potential for these substances to reach the wastewater system will reduce the dispersion into the environment through County generated effluent and biosolids.

Conclusion:

The Code text amendment prohibits AFFF, a source of PFAS, from entering the wastewater system in order to protect our water resources and the public health.

Recommendation:

Recommend that Board of Supervisors approve and adopt Pima County Ordinance 2020-____ An Ordinance of the Board of Supervisors of Pima County, Arizona, Relating to Public Services; Amending the Pima County Code, Chapter 13.36, Industrial Wastewater

Fiscal Impact:


\$10,000 per year to conduct monitoring as needed.

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

Department: Regional Wastewater Reclamation Department Telephone: 724-6511

Contact: Eric Wieduwilt Telephone: 724-9841

Department Director Signature/Date:  2/11/2020

Deputy County Administrator Signature/Date:  2/18/2020

County Administrator Signature/Date:  2/18/2020

ORDINANCE 2020 - _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA
COUNTY, ARIZONA, RELATING TO PUBLIC SERVICES;
AMENDING THE PIMA COUNTY CODE, CHAPTER 13.36,
INDUSTRIAL WASTEWATER**

The Board of Supervisors of Pima County Arizona finds that the discharge of per- and polyfluoroalkyl substances (collectively known as PFAS) into the County's sewers impacts the quality of effluent from County wastewater reclamation facilities (including reclaimed water) as well that of biosolids produced by those facilities. In particular, the Board of Supervisors has determined that aqueous film forming foams (AFFF) used for certain fire-fighting purposes is a substantial contributor to the PFAS problem in County-generated effluent and biosolids.

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY,
ARIZONA:**

SECTION 1. Pima County Code § 13.36.060, subsection (B), is amended as follows:

B. Industrial wastewater which may be dangerous to the public, the environment, or which creates a public nuisance, including, but not limited to:

1. Any excessive quantities of radioactive materials;

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5. Any industrial wastewater in such concentration or volume that may cause failure in effluent toxicity testing; ~~or~~

6. Any recognizable portions of the human anatomy; or

7. Any aqueous film forming foam (AFFF), such as from firefighting activities, that contains any intentionally added per- and polyfluoroalkyl substances (PFAS) including but not limited to PFOA, PFOS, and GenX-like chemicals.

SECTION 2. *Severability.* If any provision of this Ordinance, or the application of any provision thereof is determined by a court of law to be invalid, the invalidity of that provision shall not affect other provisions or the application of this ordinance which can be given effect without the provision determined to be invalid, and to this end the provisions of this Ordinance are severable.

SECTION 3. *County Officers and Employees.* The various County officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 4. *Effective Date.* This Ordinance shall become effective 31 days after it is adopted by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this ____ day of _____, 2020.

PIMA COUNTY BOARD OF SUPERVISORS:

Chairman

ATTEST:

Clerk of the Board

Dated: _____

APPROVED AS TO FORM:

Deputy County Attorney

APPROVED AS TO CONTENT:

Director, Regional Wastewater Reclamation
Department