

**ORDINANCE NO. O2024-012**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING SECTION 191-02 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO LOCAL LIMITS FOR INDUSTRIAL DISCHARGES TO THE PUBLICLY OWNED TREATMENT WORKS AND RATIFYING THE CURRENT FORMATTING, LETTERING AND NUMBERING OF YUMA CITY CODE CHAPTER 191**

WHEREAS, the City of Yuma (City) has adopted an Ordinance which regulates the discharge of non-domestic waste into the wastewater collection system of the City; and,

WHEREAS, it is necessary for the City of Yuma to adopt and enforce technically based local wastewater discharge limitations pursuant to Federal and State environmental requirements; and,

WHEREAS, the City is required to review and update, as necessary, the existing wastewater limits to reflect new State and Federal requirements, treatment plant changes, wastewater discharge permit requirements, and other requirements that may affect the reliability of the local limits.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: Yuma City Code Chapter 191: Industrial Wastes and Other Wastewater Dischargers, as codified, is ratified as the proper formatting, numbering, and lettering of Ordinance O2019-007.

SECTION 2: Yuma City Code § 191-02 General Sewer Use Requirements, subsection D, Local Limits, Item 2, is amended to read as follows where strikethrough text indicates deletions and bolded text indicates additions:

(2) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following limitations. If and when federal or state regulatory agency regulations require a specific pretreatment concentration for a specific industry, whichever is the more stringent concentration level between these regulations and such federal or state regulations will apply.

Local Limits for Users of the Figueroa Avenue Water Pollution Control Facility (WPCF)

<i>Parameter</i>	<i>Daily Maximum Limit</i>
Ammonia	260 mg/L
Arsenic	0.070 mg/L
Boron	2.5 mg/L
Cadmium	0.072 mg/L
Chromium (Total)	4.9 mg/L
Copper	1.9 mg/L
Cyanide	0.13 mg/L
Dissolved Sulfide	0.5 mg/L
Total Petroleum Hydrocarbons	100 mg/L
FOG, Polar	(See note 1) (See note 2)
FOG, Total	(See note 1) (See note 2)

Lead	0.52 mg/L
Mercury	0.0002 mg/L
Molybdenum	0.20 mg/L
Nickel	0.82 mg/L
Nitrogen (Total)	<del>150</del> <b>95</b> mg/L
pH	5 - 11.5 S.U.
Silver	2.9 mg/L
Selenium	0.020/0.011 mg/L (See note 3)
Thallium	0.027 mg/L
Biochemical Oxygen Demand (BOD)	Note 4
Total Suspended Solids (TSS)	Note 4
Total Dissolved Solids (TDS)	Note 4
Zinc	<del>1.8</del> <b>1.25</b> mg/L
Note 1: Discharges of oil and grease shall not result in accumulations which either alone, or in combination with other wastes, are capable of obstructing flow or that interfere with the operations or performance of the wastewater collection system or the treatment facilities.	
Note 2: Dischargers of polar FOG shall minimize free floating polar FOG. Discharge of polar FOG in quantities that cause or contribute to obstructions is strictly prohibited. Dischargers of free floating polar FOG shall be required to install pretreatment devices such as grease removal equipment sized according to city standards and institute other best management practices.	
Note 3: Industry specific selenium local limit of 0.020 mg/L to identified selenium discharging significant industrial users (SIU). To counterbalance the higher selenium limit for these discharges a lower limit of 0.011 mg/L for other SIUs is required.	
Note 4: The discharge of wastewater shall not cause the inhibition of wastewater treatment or violation of any ADEQ requirements.	

The above limits apply at the point where the wastewater is discharged to the Publicly Owned Treatment Works (POTW). All concentrations for metallic substances are for total metal unless indicated otherwise. The Director of Utilities may impose mass limitations in addition to the concentration-based limitations above.

**SECTION 3:** Violations of this Ordinance are subject to the following civil and criminal penalties:

1. Civil Penalties

- (A) A User who has violated, or continues to violate, any provision of this Chapter 191, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, pursuant to Arizona Revised Statutes (A.R.S.) § 49-391, as amended, be liable to the City for a maximum civil penalty of \$25,000 per violation, per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (B) The Director of Utilities may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- (C) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, those outlined in A.R.S. § 49-

391, as amended, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

(D) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

## 2. Criminal Penalties

(A) A User who willfully or negligently violates any provision of this Chapter 191, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a Class 1 Misdemeanor, punishable by a fine of not more than \$2,500 per violation, per day, or imprisonment for not more than six (6) months, or both.

(B) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a Class 1 Misdemeanor and be subject to a penalty of at least \$2,500, or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(C) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Chapter 191, individual wastewater discharge permit, or general permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter 191 shall, upon conviction, be guilty of a Class 1 Misdemeanor and be subject to a penalty of at least \$2,500 per violation, per day, or be subject to imprisonment for not more than six (6) months, or both.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

\_\_\_\_\_  
Lynda Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney