

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: Authorize the city manager to execute the consent order between the Arizona Department of Environmental Quality (ADEQ) and the city of Goodyear regarding its industrial pretreatment program.	STAFF PRESENTER: David Ramirez, Public Works Programs Manager CASE NUMBER: None OTHER PRESENTER: John E. Watson, JW Environmental Consulting LLC, consultant to the city
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PROPOSED ACTION:

Authorize the city manager to execute the consent order between the Arizona Department of Environmental Quality (ADEQ) and the city of Goodyear regarding its industrial pretreatment program.

BACKGROUND AND PREVIOUS ACTIONS:

During the annual ADEQ inspection on March 28, 2017, the city was informed that EPA was requiring ADEQ to bring municipalities into compliance with federal industrial pretreatment requirements for sewer discharge. On April 24, 2017, the city of Goodyear received a Notice of Violation (NOV) from ADEQ for failure to implement the industrial pretreatment requirements in accordance with federal law. Per the NOV, the city had failed to inspect, sample and permit 11 industries in 2016. The NOV advised the city had by law 120 days (by August 24, 2017) to complete the inspection, sampling and permitting requirements. Although the timeline to complete all the requirements of the NOV within 120 days was not achievable, through the city's best efforts, all inspections and all but one sampling event were completed within 120 days as a consequence of recently added resources in the form of consulting services. Due to the technical complexity and extensive customer coordination necessary to permit industrial customers, the requirement to permit 11 industrial businesses was not met by the deadline.

On August 24, 2017, the city submitted to ADEQ a summary of the status of inspection, sampling, and permitting, with a timeline to complete all permitting requirements. Since the city failed to meet the 120-day requirement, ADEQ advised that a formal consent order process would be necessary to complete the remaining tasks.

In October of 2017, ADEQ, after addressing the city's comments, returned a final consent order for Council review and necessary action. The fully executed consent order will bind the city to complete the sampling and issue the industrial permits by December 2018. If the city fails to issue the permits in conformance with the consent order, ADEQ may assess penalties in accordance with the provisions of the order and the law.

STAFF ANALYSIS:

The sewer pretreatment program was established by City Council in March 2014 to prevent the introduction of pollutants into the sewer system that could cause major disruptions in the wastewater treatment process. Chapter 12A in the city code covers industrial pretreatment and permitting requirements that apply to industries that operate in the city's sewer service area. The establishment of this program also created an inspector position to help enforce the city's pretreatment requirements. The program also includes the Fats, Oils, and Grease (FOG program) in which the city's pretreatment inspector, hired in March 2014, inspects and monitors program compliance of over 100 restaurants, auto repair, and other businesses that discharge into the city's collection system. Early in the program, the inspector focused on enrolling businesses required to participate in the FOG program.

The success of the FOG phase of the pretreatment program generated the need for the inspector to monitor the enrolled businesses. In addition since 2014, two industries were issued permits by the city. The issuance of these permits was completed through coordination with the development services and building safety permit process. Since the establishment of the program in 2014, the effort struggled trying to get response from local industries and needed resources to consistently work with those industries and also maintain the FOG program. During the budget process for FY17-18, Public Works requested funding for consultant services to assist staff with the issuance of industrial discharge permits for existing businesses. Funding was approved and provided in the FY17-18 budget and in July 2017, the city hired JW Environmental Consulting LLC, a local firm that specializes in pretreatment regulatory services. This firm possesses the experience and technical expertise to assist the city in reviewing applications, operational plans, proposed pretreatment solutions, other related documentation, and conduct necessary site inspections. The assistance provided by this firm has already helped the city complete initial requirements of the ADEQ consent order and will also assist with completing the remaining terms of the consent order.

The pretreatment program ultimately protects the ability of the wastewater treatment process by maintaining the levels of contaminants in the wastewater within the capacity of the treatment facility. The city has not identified at any time any impact to the public, the process, or the environment as a result of noncompliance with the pretreatment program. The wastewater process has successfully maintained discharge of effluent within the required limits.

The remaining terms of the consent order are as follows:

- The city will complete sampling, inspections, and permitting of 11 businesses by December 7, 2018.
- The city will complete monthly progress reports and update ADEQ regarding compliance progress, which will include evidence of compliance (photographs and other supporting documentation).
- Upon completion of the compliance schedule, Goodyear will certify compliance and ADEQ will terminate the Consent Order.

If the city fails to comply with the Consent Order, then the city may be liable for administrative and judicial sanctions. It is important to note that as of October 27, 2017, five out the required 11

industries have been either permitted or have identified as not needing a permit due to established program criteria.

FISCAL ANALYSIS:

The FY18 Public Works Program Management budget includes \$75,000 in operating funds for the consulting firm assisting the city. We are currently reviewing budget needs for FY19 and will submit supplemental requests if needed.

RECOMMENDATION:

Staff recommends Council authorize the city manager to execute the consent order between ADEQ and the city of Goodyear.

ATTACHMENTS:

Consent Order between ADEQ and the city of Goodyear.