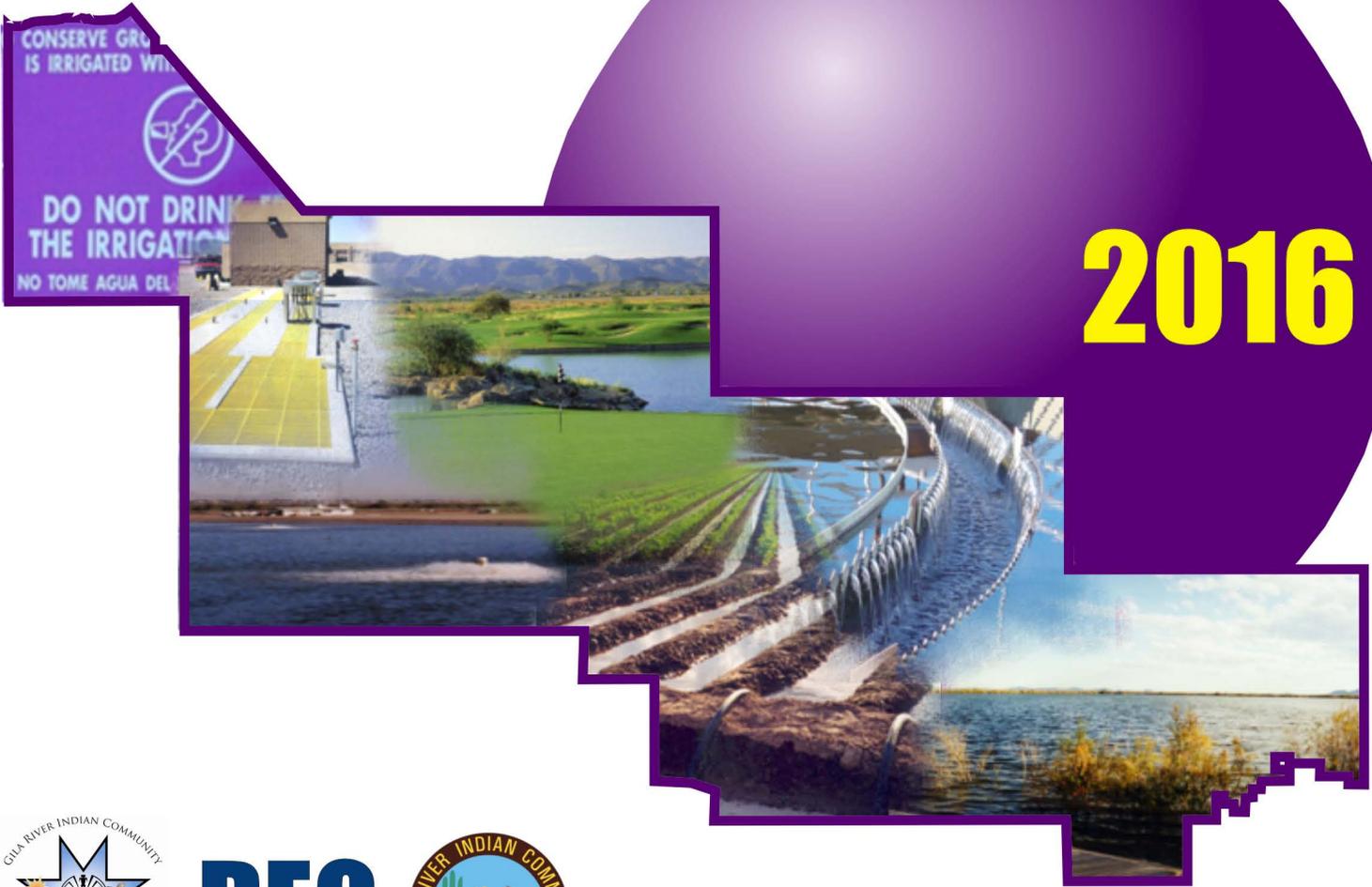


Wastewater and Reclaimed Water Management Ordinance

2016



DEQ



Wastewater and Reclaimed Water Management Ordinance

Title 15, Chapter 6



Department of Environmental Quality Water Quality Program Wastewater Section

**P.O. Box 97 / 45 South Church Street
Sacaton, Arizona 85147
520-562-2234**



GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85147

ORDINANCE GR-04-16

THE GILA RIVER INDIAN COMMUNITY COUNCIL HEREBY AMENDS THE GILA RIVER INDIAN COMMUNITY CODE BY RESCINDING THE CURRENT TITLE 15, CHAPTER 6, WASTEWATER MANAGEMENT, AND ENACTING A COMPREHENSIVE WASTEWATER AND RECLAIMED WATER MANAGEMENT ORDINANCE, TO BE CODIFIED AT TITLE 15, CHAPTER 6

WHEREAS, the Gila River Indian Community Council (the "Community Council") is the governing body of the Gila River Indian Community (the "Community"); and

WHEREAS, the Community Council is empowered through Article XV § 1(a)(9) to promote and protect the health and general welfare of the Community and its members; and

WHEREAS, the Community Council is empowered through Article XV § 1(a)(19) of the Constitution and Bylaws of the Community (March 17, 1960) to enact ordinances and laws necessary or incidental to the exercise of the powers granted to the Community Council; and

WHEREAS, the power to enact ordinances and laws is an inherent function of self-government, which the Community has exercised over the years; and

WHEREAS, the Community has jurisdiction of over more than 375,000 acres and has inherent authority to regulate the use of natural resources to protect the life, health, safety, property, welfare, and environment of its residents; and

WHEREAS, water resources and the protection of those resources are important to the health and economic well-being of the Community; and

WHEREAS, reclaimed wastewater is a valuable Community resource; and

WHEREAS, adequate regulation of the treatment of wastewater and the use and application of reclaimed wastewater are concerns of high priority to the Community; and

WHEREAS, the Community previously enacted a Wastewater Management Ordinance in 2008 and which was codified in the 2009 Gila River Indian Community Code and subsequently amended by Ordinance GR-04-10 (August 18, 2010); and

WHEREAS, amending the current Wastewater Management Ordinance provides the strongest opportunity for the Community to manage and regulate wastewater based on the Community's unique values and needs; and

WHEREAS, the Community finds that the activities regulated, if left unregulated, pose a threat to the political integrity, economic security, health, welfare, and environment of the Community; and

WHEREAS, the proposed Wastewater and Reclaimed Water Management Ordinance contains the necessary elements for a wastewater regulatory program including establishing standards, regulations, permits, requirements for reclaimed wastewater generation and management, and enforcement and appeals; and

WHEREAS, the Department of Environmental Quality has complied with GRIC Code Title 8, Chapter 7, Notification of Ordinances; and

WHEREAS, the Community Council has reviewed the proposed comprehensive amendments to Title 15, Chapter 6, and finds them to be in the best interest of the Community.

NOW, THEREFORE, BE IT ENACTED, that the Community Council hereby amends the Gila River Indian Community Code by enacting the attached Wastewater and Reclaimed Water Management Ordinance, to be codified at Title 15, Chapter 6, and effective immediately upon enactment.

BE IT FURTHER ENACTED, that the current Title 15, Chapter 6, Wastewater Management, and Ordinance GR-04-10 (August 18, 2010) are hereby rescinded.

BE IT FURTHER ENACTED, that persons or entities subject to regulation under the Wastewater and Reclaimed Water Management Ordinance shall cooperate with the Department of Environmental Quality in the issuance of revised permits.

BE IT FINALLY ENACTED, that the Governor or, in the Governor's absence, the Lieutenant Governor is hereby authorized to take all the necessary steps to carry out the intent of this Ordinance.

CERTIFICATION

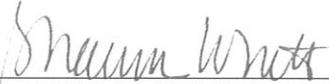
Pursuant to authority contained in Article XV, Section 1, (a) (7), (9), (18), (19), (b) (8), (10) and Section 4 of the amended Constitution and Bylaws of the Gila River Indian Community, ratified by the tribe January 22, 1960, and approved by the Secretary of the Interior on March 17, 1960, the foregoing resolution was adopted on the 04th of May 2016, at a regular Community Council meeting held in District 3, Sacaton, Arizona at which a quorum of 13 Members were present by a vote of: 10 FOR; 0 OPPOSE; 3 ABSTAIN; 4 ABSENT; 0 VACANCY.

GILA RIVER INDIAN COMMUNITY



GOVERNOR

ATTEST:



COMMUNITY COUNCIL SECRETARY



RECEIVED
PIMA AGENCY

MAY 06 2016

BUREAU OF INDIAN AFFAIRS
SACATON ARIZONA

WASTEWATER AND RECLAIMED WATER MANAGEMENT ORDINANCE

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WATER AND RESOURCES

CHAPTER 6. WASTEWATER AND RECLAIMED WATER MANAGEMENT

15.601. General Provisions.

A. **Purpose.** The purpose of this chapter is to provide for the proper disposal and management of wastewater and septage, provide minimum performance standards and water quality limits for wastewater treatment, and provide safe utilization of reclaimed water, which is a valuable resource. This chapter is also designed to prevent and minimize environmental degradation and contamination of surface water and groundwater; and protect the health, safety, and welfare of the members, nonmembers, residents, and employees of the Gila River Indian Community. This chapter is designed to achieve these purposes through establishing standards, regulations, and permits.

B. Authority.

1. The Community enacts this chapter under its inherent civil legislative, adjudicative, and regulatory authority and pursuant to the express delegation of authority by Congress under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., which provides the Community authority to organize, adopt the Constitution and Bylaws of the Gila River Indian Community (March 17, 1960), and to enact laws and ordinances governing conduct within the exterior boundaries of the Reservation, 25 U.S.C. § 476.
2. The Community enacts this chapter to regulate certain activities within the Reservation as prescribed by *Montana v. United States*, 450 U.S. 544 (1981). The Community finds that persons engaged in conduct or activities within the exterior boundaries of the Reservation pursuant to a commercial dealing, lease agreement, contract, permit, or other arrangement or activity have voluntarily and explicitly agreed to the jurisdiction of the Community and are subject to regulation under the laws, ordinances, and regulations of the Community. The Community finds that the activities regulated under this chapter, if left unregulated, pose an imminent threat to the political integrity, economic security, health, welfare, and environment of the Community.
3. Further, separate from *Montana*, and pursuant to the Community's sovereign power to exclude nonmembers, the Community enacts this chapter to regulate certain activities occurring on tribal land within the Reservation and affirms the Community's adjudicatory authority over such certain activities occurring on tribal land within the Reservation as prescribed by *Water Wheel Camp Recreational Area, Inc. v. LaRance*, 642 F.3d 802 (9th Cir. 2011).
4. The authority to manage and regulate wastewater within the Reservation inherently lies within the retained sovereign power of the Community.

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C. **Scope.**

1. Because violations of this chapter may demonstrably and seriously impact the environment, natural resources, public health, safety, welfare, political integrity, and economic security of the Community, this chapter shall apply to:
 - a. All persons within the exterior boundaries of the Reservation, without exception, including, but not limited to, all Community members, any Indian who is a member of another federally recognized Indian Tribe, all non-Indians, and any other person as defined under this chapter; and
 - b. All places and lands located anywhere within the exterior boundaries of the Reservation, including all trust and non-trust lands, and notwithstanding the issuance of any patent, fee, allotment, right-of-way, lease, or real property interest of any kind held by any person as defined under this chapter.
2. Any person who is anywhere within the exterior boundaries of the Reservation, whether on trust or non-trust lands, must comply with, and is subject to this chapter; any guidance documents issued hereunder; all Community laws; and all orders of the Department and the Community Court. All such persons shall be deemed to have consented to the civil jurisdiction of the Community Court, and shall be subject to civil prosecution, penalties, damages, or any other civil remedies imposed or awarded by the Community Court for any violations of this chapter.

D. **Applicability.**

1. This chapter shall apply to all persons who dispose, collect, truck or haul, treat, manage, blend, store, distribute, release, discharge, reuse, recharge, pump or otherwise use, manage or affect the flow, quality, or storage of wastewater, treated wastewater, reclaimed water or septage within the external boundaries of the Reservation or import wastewater, treated wastewater, or reclaimed water into the Reservation.
2. To the extent that any provision of this chapter may be in conflict with the Gila River Indian Community Water Rights Settlement Act of 2004, Public Law 108-451, (the “Act”) and the Gila River Indian Community Water Rights Settlement Agreement (“Settlement Agreement”) made enforceable on December 14, 2007, the provisions of the Act and Settlement Agreement shall govern.
3. The goal of this chapter is to have all regulated activities be protective of groundwater and surface water resources and will require persons to apply appropriate control measures necessary to achieve and maintain any groundwater quality standards or surface water quality standards adopted by the Community.

WATER AND RESOURCES

4. Compliance with this chapter shall not exempt a person from complying with other laws, statutes, agreements, regulations, or ordinances of, or enforced by, the Community, the federal government, or any other applicable jurisdictions.
5. This chapter shall not be applicable to the collection or reuse of “gray water.” Gray water means water collected after use in residential bathtubs and showers, bathroom sinks, or clothes washers for subsequent water recycling to conserve valuable water resources.
6. This chapter is not applicable to untreated or treated wastewater or septage that is transported through the Reservation and is not disposed within the Reservation.

E. Powers and Duties of the Department.

1. The Department, as authorized by the Community Council of the Gila River Indian Community, shall administer and enforce this chapter.
2. During implementation of this chapter, if emergency conditions develop, the Department is authorized to take appropriate actions to the extent necessary to abate the emergency conditions, including, but not limited to, temporarily amending or suspending any permit, approval, or agreement related to this chapter.
3. Because the Department will administer and enforce this chapter, the Department shall not function as a reclaimed water distributor.
4. The Department is authorized to issue both general permits and individual permits.
5. To fulfill its responsibilities under this chapter, the Department may, based upon its need for additional technical and legal resources or expertise, determine it necessary in some situations to procure contractual services to assist in the development or evaluation of matters subject to this chapter. A contractual service assignment may be applicable to any section of this chapter. All contractual service assignments shall be pursuant to Section 15.624.
6. For the purpose of collecting water quality samples and water quality related measurements pursuant to this chapter, the Department is authorized to access all conveyances and waterbodies containing reclaimed water and non-reclaimed water that will be used for blending with reclaimed water.

F. General Ordinance Provisions.

1. The disposal of wastewater and septage is strictly prohibited except as expressly provided in Section 15.603.

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2. It shall be unlawful to dispose, collect, truck or haul, treat, store, handle, distribute, release, discharge, recharge, reuse, or manage wastewater, septage, treated wastewater, or reclaimed water in a manner that creates a nuisance and/or an environmental and/or public health and safety hazard as determined by the Department in coordination with Community health departments.
3. New cesspools are not authorized within the Reservation.
4. No person shall dispose of a pollutant or contaminant into a decentralized sanitary sewer or centralized sanitary sewer such that it may cause damage to the sewer system, have the potential to create a fire, explosive hazard, or result in the presence of toxic gases, vapors, or fumes or otherwise may be hazardous to humans or the environment.
5. The regulations contained in this chapter are intended to apply to a variety of conditions and circumstances. It is recognized that strict compliance with all regulations prescribed herein might not fit every conceivable situation. When strict compliance with the requirements of this chapter is impractical, or extraordinary and unusual conditions exist, an applicant may request a waiver or variance pursuant to Section 15.626.
6. Groundwater or unsaturated zone contamination caused by noncompliance of this chapter may require remedial actions pursuant to Community laws.
7. Unless otherwise approved by the Department, all water quality sample analyses performed under this chapter, excluding field analyses, shall be conducted by a laboratory licensed by the Arizona Department of Health Services, Offices of Laboratory Licensure and Certification or its successor(s).
8. If a person receives treated wastewater or reclaimed water from a permitted centralized wastewater treatment facility and then provides additional treatment, that person may be required to apply for a wastewater treatment facility permit.
9. No person shall engage in any action that violates or causes the violation of this chapter.
10. Nothing in this chapter prohibits the exportation or disposal of wastewater, treated wastewater, reclaimed water, septage, or sludge off Reservation lands.
11. Treated wastewater or reclaimed water may only be discharged to authorized locations pursuant to a Department issued permit, federal law, and/or as otherwise approved by the Department.
12. Any person who owns or operates a centralized wastewater treatment facility, a decentralized wastewater treatment system, or a vault must at all times ensure that such facilities are operated under competent supervision and with the highest

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efficiency that can reasonably be expected and maintain such facilities in good repair.

13. A permittee shall take all necessary actions to eliminate and correct any adverse impact on the public health or the environment resulting from permit noncompliance.
14. The preparation, transport, land application, or disposal of any sludge or biosolids shall be managed pursuant to GRIC Code Title 18, Chapter 2, Waste Management.
15. If reclaimed water is blended with other types of non-reclaimed water(s), in any volumetric ratio, the resulting mixture shall be considered to be reclaimed water and regulated under this chapter as reclaimed water. Any use of these blended waters shall conform to the requirements of this chapter.
16. The determination of whether wastewater is classified as domestic, commercial, or industrial shall be made by the Department.
17. Within 60 calendar days of the effective date of this chapter, the Department shall determine if an existing facility is a Type “A”, “B”, or “C” facility. Within 180 calendar days of the effective date, the Department shall issue revised permits for each centralized wastewater treatment facility.
18. The use of a portable waste holding tank does not require a permit under this chapter; however, all wastes contained in the tank shall be properly disposed in conformance with any applicable Community laws and comply with Section 15.601.F.2.

G. **Sovereign Immunity.**

1. Nothing in this chapter, nor any action or agreement of the Department, shall be construed as, or is intended to be, a waiver or modification of any sovereign immunity enjoyed by the Community, or a consent by the Community to jurisdiction or suit against it.
2. The Community, the Community Council and its members; the Department and its members; and all other Community officers, employees or representatives, thereof, who are performing their duties by implementing or enforcing this chapter, are immune from suit for monetary damages in any court of law, and they do not waive any of their sovereign rights or immunities, executive privileges or right to privacy or confidentiality.

H. **Reservation of Rights.** The authority, power, and remedies provided in this chapter are in addition to, and not a limitation of, any authority, power or remedies provided in any other ordinances, tribal sovereign authority, federal law or as provided under common law.

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I. **Severability.** The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this chapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances.

J. **Effective Date.** This chapter shall become effective the date of its enactment by the Community Council. Any person engaging in wastewater management activities within the Reservation shall comply with this chapter on the effective date unless otherwise exempted from compliance under the provisions hereof.

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15.602. Definitions.

A. As used in this chapter, or when used for purposes of application of this chapter, the terms set forth below shall have the following meanings.

1. ***Administrative Compliance Order*** means a unilateral order issued by the Department without agreement with the responsible party. An administrative compliance order may include, but not be limited to, orders to comply with this chapter or permit requirements within a specified time limit, to cease and desist specified activities, to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, or to halt operations or terminate a release.
2. ***Administrative Law Judge*** means an individual with experience and expertise in the law, appointed by the Executive Office, who sits as the trier of fact, applies the law in conducting and issuing rulings, and recommends a decision in administrative hearings called for in this chapter.
3. ***Administrative Record*** means documents that are maintained by the Department pertaining to a particular person or activity regulated under this chapter and that is available for public inspection. The administrative record contains information reported to or generated by the Department, including, but not limited to permit applications, permits, self-monitoring reports, notifications, and authorization requests.
4. ***Appurtenances*** means accessories of a reclaimed water pipeline system (e.g., control valves, hose bibs, pumps, pump mounts, valves, meters, valves or meter box covers, protective cages, sprinkler heads, quick couplers, etc.).
5. ***Biochemical Oxygen Demand or BOD₅*** means the quantity of dissolved oxygen consumed by microorganisms during the breakdown of organic matter in a wastewater sample during a five-day incubation period and measured in milligrams per liter at 20°C.
6. ***Bypass*** means the intentional diversion of untreated or partially treated wastewater from any portion of a centralized wastewater treatment facility or decentralized wastewater treatment system.
7. ***Carbonaceous Biochemical Oxygen Demand or CBOD₅*** means the quantity of dissolved oxygen consumed by microorganisms during the breakdown of organic carbon in a wastewater sample during an incubation period of five days at 20°C. An inhibitor is placed in the sample to prevent growth of nitrogenous oxidizing microbial populations.
8. ***Centralized Sanitary Sewer*** means the complete centralized system of pipes, manholes, pumping stations, force mains, lift stations, and other structures and

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devices controlled by a Community department for the collection and delivery of domestic, commercial, and industrial wastewater from its source to a centralized wastewater treatment facility.

9. ***Centralized Wastewater Treatment Facility*** means a treatment facility connected to a centralized sanitary sewer designed to treat wastewater and remove pollutants and contaminants to defined levels pursuant to this chapter and Department issued permits. This type of facility may also generate reclaimed water that can be used for reuse or for other approved authorized uses.
10. ***Cesspool*** means a pit into which wastewater is discharged and from which the untreated wastewater seeps into the surrounding soils or geologic media.
11. ***Chandler Delivery Agreement*** means that agreement entitled, “Reclaimed Water Exchange Agreement Among the Cities of Mesa and Chandler, the Community and the United States,” entered into on December 21, 2005, as may be amended from time to time, providing for the City of Chandler’s sale or exchange of reclaimed water to the Community and for other purposes.
12. ***Chemical Oxygen Demand or COD*** means a measure of the amount of oxygen that is needed for the oxidation of all organic substances in water in milligrams per liter.
13. ***Colony Forming Unit or CFU*** means a measure of the number of microorganisms present in a sample. A value of less than 1.0 cfu shall be considered to be non-detect.
14. ***Commencement of Construction*** means beginning the placement, assembly, or installation of facilities or equipment; or beginning significant land preparation work such as clearing or grading.
15. ***Community*** means the Gila River Indian Community.
16. ***Community Council*** means the legislative branch of the Gila River Indian Community as established in the Constitution and Bylaws of the Gila River Indian Community, approved March 17, 1960.
17. ***Community Court*** means the trial court of the Gila River Indian Community.
18. ***Community Department*** means a department or governmental subdivision of the Gila River Indian Community. Community department does not include a Community owned entity, business or enterprise.
19. ***Composite Sample*** means a combination of individual discrete aliquots taken at selected intervals to minimize the effect of the variability of the individual sample. Composite samples are commonly proportional to the discharge flow rate.

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20. **Contaminant** means any physical, chemical, biological, or radiological substance that, in sufficient concentration, can adversely affect human health or the environment.
21. **Contamination** means the presence of a contaminant at a concentration such that it is in violation of a Department standard (e.g., surface water or groundwater quality standard).
22. **Contractual Service Assignment** means a process used by the Department to acquire additional resources or expertise to assist in the development or evaluation of matters subject to this chapter.
23. **Cross-Connection** means any physical connection or arrangement that allows the movement of wastewater, treated wastewater, or reclaimed water into a potable water system.
24. **Decentralized Sanitary Sewer** means the complete system of pipes and structures for the collection and delivery of domestic and/or commercial wastewater from its source to the entrance of a decentralized wastewater treatment system.
25. **Decentralized Wastewater Treatment System** means a treatment system connected to a decentralized sanitary sewer designed to treat domestic and/or commercial wastewater and remove pollutants and contaminants. These types of systems treat small flows relatively close to the point of waste generation (i.e., onsite) and often use pre-engineered or pre-fabricated systems. These types of treatment systems typically use advanced treatment methods (e.g., sequencing batch reactor, activated sludge, trickling filter, and rotating biological contactor).
26. **Department** means the Director, or designee, of the Gila River Indian Community Department of Environmental Quality.
27. **Disinfection** means a treatment process to kill, inactivate, or remove pathogenic microorganisms by chemical, physical, or biological means.
28. **Dispose or Disposal** means the act of discarding wastewater for subsequent treatment.
29. **Distributor Impoundment** means a reservoir containing reclaimed water with a surface dimension at the widest point equal to or greater than its depth and is operated by a reclaimed water distributor as part of its reclaimed water distribution system.
30. **Edible Crop(s)** means a crop that is intended for human consumption.
31. **Effluent** means treated wastewater at the exit point of the treatment train.

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32. ***End Use*** means a use for reclaimed water authorized under this chapter.
33. ***End User*** means a person who uses reclaimed water for agricultural, diversified, or industrial reuse.
34. ***End User Agreement*** means a written, legally-binding document that constitutes a consensual relationship between the Department, an end user, and if applicable or required a reclaimed water distributor for the reuse of reclaimed water.
35. ***End User Impoundment*** means a reservoir containing reclaimed water with a surface dimension at the widest point equal to or greater than its depth and is operated and controlled by an end user for reclaimed water reuse purposes.
36. ***Entity*** means an entity, enterprise, authority or corporation organized by the Community Council and wholly owned by the Gila River Indian Community.
37. ***EPA*** means the United States Environmental Protection Agency.
38. ***Evaporation Impoundment*** means a reservoir with a surface dimension at the widest point equal to or greater than its depth and is under the control of a centralized wastewater treatment facility permittee for the purpose of evaporating treated wastewater or reclaimed water. This type of impoundment is constructed such that the impoundment minimizes seepage of the impoundment contents.
39. ***Evaporation/Seepage Impoundment*** means a reservoir under the control of a centralized wastewater treatment facility permittee with a surface dimension at the widest point equal to or greater than its depth and contains treated wastewater or reclaimed water with the purpose of disposal through evaporation and seepage.
40. ***Executive Office*** means the Governor, or the Chief Executive Officer of the Community pursuant to the Constitution and Bylaws of the Community, approved March 17, 1960, or his or her designee.
41. ***Existing*** means commenced, constructed, or a complete permit application submitted prior to the effective date.
42. ***Filtration*** means a treatment process that removes pollutants or contaminants by passage through porous media.
43. ***Final Administrative Decision*** means a decision by the Department that is subject to review by the Gila River Community Court pursuant to the provisions of this chapter.
44. ***General Counsel*** means the Gila River Indian Community Office of General Counsel and staff and other attorneys retained by the Community.

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45. ***Geometric Mean*** means the nth root of the product of n numbers.
46. ***Groundwater***—See "Saturated Zone."
47. ***Importation or Import*** means the transfer of wastewater, treated wastewater, or reclaimed water from a location outside of the Reservation to any point within the external boundaries of the Reservation.
48. ***Indirect Application Irrigation*** means irrigation methods, such as drip irrigation, and subsurface distribution systems, which minimize direct contact of reclaimed water with an edible crop.
49. ***Indirect Potable Recharge*** means augmentation of groundwater with reclaimed water followed by an environmental buffer that precedes normal drinking water treatment.
50. ***Industrial Facility*** means a place of vocation, manufacturing, and/or commerce that may generate domestic wastewater and/or industrial wastewater or acquires reclaimed water for reuse. An industrial facility may be subject to pretreatment requirements.
51. ***Industrial Wastewater Treatment System*** means a treatment system for removing pollutants and contaminants from industrial wastewater.
52. ***Influent*** means wastewater at the entry point of a treatment facility or treatment system.
53. ***Irrigation*** for the purpose of this chapter means the consumptive use of water or reclaimed water on crops, turf, or landscaping.
54. ***Landscape Irrigation*** means irrigation of plants for the specific purpose of enhancing a landscape. Landscape irrigation includes, but is not limited to, the irrigation of plants and turf for golf courses, school playgrounds, parks, road medians, common areas, and building entrances and yards. Landscape irrigation does not include irrigation for subsequent harvesting of plant materials for commerce.
55. ***Land Use Authorization*** means approval from Community Council, a Community department, or other appropriate authority that certifies an activity regulated under this chapter meets all zoning and land use plans and guidelines applicable to its proposed location. A land use authorization may also include approval or permission from a land owner for a leasee to conduct a permitted activity. A land use authorization may set specific terms and conditions under which a facility may be constructed or operated at a particular location including, but not limited to, setback distances for noise and odor control, and aesthetics.

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56. ***Licensed Professional*** means a person holding a current and valid license from a state board of technical registration to practice or provide services of a particular profession such as engineering, geology, or surveying.
57. ***Liner*** means a Department approved barrier used to reduce seepage.
58. ***Major System Failure*** means the failure of a centralized wastewater treatment facility or decentralized wastewater treatment system to meet wastewater treatment performance requirements or water quality limits prescribed by a permit.
59. ***Mesa Delivery Agreement*** means that agreement entitled, “Reclaimed Water Exchange Agreement Among the Cities of Mesa and Chandler, the Community and the United States,” entered into on December 21, 2005, providing for City of Mesa's exchange of reclaimed water to the Reservation and for other purposes.
60. ***Minor System Failure*** means a system failure at a centralized wastewater treatment facility or decentralized wastewater treatment system that does not cause circumstances of noncompliance with the terms and conditions of the permit.
61. ***Monthly Average*** other than for bacteriological testing, means the highest allowable average calculated as an arithmetic mean of measurements made during a calendar month. The monthly average for fecal coliform or E. coli bacteria means the highest allowable average calculated as the geometric mean of measurements made during a calendar month.
62. ***Nephelometric Turbidity Unit or NTU*** means a standard unit of measurement used in water analysis to estimate the clarity of water.
63. ***New*** means commenced or constructed after the effective date when in reference to the following: new centralized wastewater treatment facility, new decentralized wastewater treatment system, new use of reclaimed water, new importation agreement, new distributor or end user impoundment, or new wastewater storage vault.
64. ***Noncompliance*** means any act or situation that is in contravention of the requirements set forth under this chapter or does not meet the terms and conditions of a permit.
65. ***Non-Edible Crop*** means a crop that is not intended for human consumption.
66. ***Non-Public Exposure*** means the use of reclaimed water such that the public is not exposed. Exposure is determined based on reuse intent, potential exposure, and reuse site control.

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67. **Notice of Violation** means an informal compliance tool issued by the Department to put a responsible party on notice that a significant violation of a provision of this chapter, or a permit issued under this chapter, has, or appears to have, occurred.
68. **Nuisance** means anything that is injurious to the public health or an obstruction to the free use, in the customary manner, of any waters of the Community.
69. **Open Conveyance** means a structure that was constructed for the purpose of conveying reclaimed water and is open to the atmosphere (e.g., canals, distributor impoundments, and end user impoundments).
70. **Percent Removal** means a percentage expression of the removal efficiency across a treatment facility for a given pollutant or contaminant parameter as determined from a comparison of influent and effluent concentrations for a given time period.
71. **Permit** means a written document authorized by the Department. A permit is between the Department and a person, whereby the person voluntarily consents to the conditions in the permit and the jurisdiction of the Community in exchange for permission to construct, operate, modify, or conduct a certain approved activity on Reservation lands.
72. **Permittee** means the person to which a permit is issued by the Department. The permittee is legally responsible for meeting the terms and conditions of a permit. The term “permittee” shall be functionally synonymous with the term “owner” or “operator”.
73. **Person** means any individual; public or private corporation; company; business; partnership; legal entity or private enterprise; trust; firm; political subdivision; cooperative; association or society of persons; industry; managing body; consortium; institution; irrigation district; municipality; commission; intertribal body; interstate body; Indian Tribe; a local, state or federal governmental agency or other governmental subdivision; the Community and any of its divisions, departments, programs, sections, enterprises or companies, unless expressly provided otherwise; and all members of the Community, all other non-member Indians, and all non-Indians.
74. **pH** means a measure of the acidity or alkalinity of a solution, expressed in standard units and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
75. **Pipeline Conveyance** means the use of pipes and tanks made of industry acceptable materials to safely transport and store reclaimed water.

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76. ***Point of Compliance*** means the location at which compliance with the performance requirements and permit water quality limits of this chapter or a permit is required. A permit may include more than one point of compliance.
77. ***Point of Delivery*** means the location where the custody, ownership, and responsibility is transferred.
78. ***Pollutant*** means any substance that contains contaminants (examples include, but are not limited to, solid or hazardous substances or wastes, chemicals, septage, pesticides, herbicides, fertilizers, wastewater, garbage, petroleum products, biological materials, dirt and other earth derived materials, heat, and radioactive materials).
79. ***Portable Waste Holding Tank*** means a watertight and portable tank for containing wastewater and/or septage on a temporary basis. A portable waste holding tank typically holds less than 200 gallons.
80. ***Potable*** means water suitable for drinking by humans.
81. ***Pretreatment*** means the reduction, elimination, or alteration of pollutants and contaminants. The reduction or alteration can be obtained by physical, chemical, or biological processes, by process changes, or by other means.
82. ***Public Exposure*** means the use of reclaimed water in a manner such that the public may be exposed. Examples include the irrigation of landscapes such as school playgrounds, parks, green belts, and subdivision common areas. Exposure is determined based on reuse intent, potential exposure, and reuse site control.
83. ***Purple*** means the color purple, lavender, or similar color used to identify reclaimed water. The industry-wide preferred formulation of purple is Pantone 522c.
84. ***Purple Advisory Sign*** means a visual notification and advisory that reclaimed water is in use and has the following minimum elements:
- a. Has a purple background;
 - b. States in English “Reclaimed Water” or “Recycled Water”;
 - c. States in English “No Drinking” and displays the international symbol for no drinking; and
 - d. If the reclaimed water is present in quantities such that one could swim, the sign shall also state in English “No Swimming” and display the international symbol for no swimming.

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85. **Recharge** for the purpose of this chapter means the act of intentionally adding reclaimed water, directly or indirectly, to replenish the zone of saturation.
86. **Reclaimed Water** means treated wastewater that meets all performance requirements and water quality standards pursuant to Section 15.605 and/or requirements of Section 15.610. Reclaimed water is also known as recycled water.
87. **Reclaimed Water Distributor** means a person authorized under this chapter to distribute reclaimed water for an authorized use.
88. **Recreational Vehicle** means a mobile vehicle (e.g., travel trailer, pickup coach, motor-home, and camping trailer) that contains a tank with human fecal, urinary, and other types of human wastes from toilets, baths, sinks, and laundries.
89. **Reservation** means any land within the exterior boundaries of the Gila River Indian Reservation, including fee patented and allotted lands used or claimed by any person, without regard to such person's membership in the Gila River Indian Community, and any land outside such boundaries held in trust for the Community or any of its members by the United States, including the Toka Sticks Golf Course located at 6910 Williams Field Road in Mesa, Arizona, and any other land constituting Indian Country within the meaning of 18 U.S.C. § 1151 or any successor provision.
90. **Restricted Access** means that access by the general public is controlled.
91. **Reuse** means the use of reclaimed water for agricultural, diversified, or industrial purposes as authorized by this chapter. The two types of reuse include:
 - a. **Non-Blended Reuse** means reclaimed water that has not been blended with non-reclaimed water(s) and therefore consistently meets all applicable standards of Section 15.605 and/or requirements of Section 15.610 at the point of reuse.
 - b. **Blended Reuse** means reclaimed water blended with other non-reclaimed water(s) such that the applicable standards of Section 15.605 and/or requirements of Section 15.610 may not be consistently maintained at the point of reuse.
92. **Reuse Permit** means the permit that shall be obtained by an end user from the Department prior to the use of reclaimed water. A reuse permit provides legal authorization for an end user to conduct a certain activity at a specified location(s). By applying for a reuse permit, an end user acknowledges, agrees, and consents to the Community's regulatory authority and, specifically, the binding authority of this chapter.

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93. **Reuse Site** means a location specifically identified in a reuse permit for agricultural, diversified, or industrial reuses of reclaimed water.
94. **Saturated Zone** means water beneath the Earth's surface contained in spaces and fractures of the geologic medium and is under pressure at or greater than atmospheric. There may be multiple saturation zones at different depths separated by confining formations. This definition excludes soil moisture or water applied at agronomic rates and found within the root zone of agricultural crops.
95. **Secondary Treatment** means a stage of treatment, usually following primary treatment, designed to remove organic matter and associated nutrients including, but not limited to, nitrogen and phosphorus. Secondary treatment results in significant reductions of total suspended solids and biochemical oxygen demand. Secondary treatment processes may include, but are not limited to, activated sludge, trickling filters, rotating biological contractors, stabilization ponds, and aerated ponds. Secondary treatment performance shall be demonstrated at an effluent point of compliance.
96. **Seepage** means the movement of fluids into soils, unsaturated zone, or saturated zone.
97. **Septage** means a generic term for the three different types of septage (in any combination or ratio) that are regulated under this chapter:
- a. **Tank Septage** means the liquid and solid residuals related to domestic or commercial wastewater removed from a septic tank (or other pretreatment device) of a decentralized wastewater treatment system.
 - b. **Toilet Septage** means liquid and solid materials contained in portable toilets, chemical toilets, and other types of toilets that require trucking or hauling for disposal.
 - c. **Recreational Vehicle Septage** means the liquid and solid materials originating from a recreational vehicle holding tank containing human fecal, urinary, and other types of human wastes from toilets, baths, sinks, and laundries.
98. **Sludge** means organic solid, semi-solid, or liquid by-product of wastewater treatment. Sludge characteristics vary depending on each treatment facility's waste stream and the processes that are used. In general, sludges are composed of water, organic matter, nutrients (such as nitrogen, phosphorus, calcium, and magnesium), and micro-nutrients such as zinc and iron. Sludges meeting EPA standards are referred to as biosolids.
99. **Substantial Modification** means any alteration, expansion, upgrade, extension, replacement of, or addition to, a wastewater treatment facility; decentralized wastewater treatment system; or a wastewater storage vault that is reasonably

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expected to lead to a substantially different environmental result or change in quality or quantity.

100. **Total Nitrogen** is equal to the sum of nitrate as nitrogen, plus nitrite as nitrogen, plus total Kjeldahl nitrogen.
101. **Total Suspended Solids or TSS** means the total solid matter that either floats on the surface or is suspended and is removable by laboratory filtration.
102. **Treated Wastewater** means wastewater that has been processed and treated to remove pollutants pursuant to the requirements of this chapter and applicable permits or the requirements of an agreement pursuant to Section 15.610.
103. **Treatment Facility Processing Impoundment** means a reservoir located within the boundaries of a centralized wastewater treatment facility with a surface dimension at the widest point equal to or greater than its depth and contains untreated or partially treated wastewater and has not passed the point of compliance.
104. **Turbidity** means a measure of the interference of light passage through water, or visual depth restriction due to the presence of suspended matter such as clay, silt, nonliving organic particulates, plankton and other microscopic organisms. Operationally, turbidity measurements are expressions of certain light scattering and absorbing properties of a water sample. Turbidity is measured by the Nephelometric method.
105. **Type "A" Existing Facility** means an existing centralized wastewater treatment facility that has lined treatment facility processing impoundments, conducts secondary treatment, conducts disinfection, and is required to meet either fecal coliform or E. coli criteria.
106. **Type "B" Existing Facility** means an existing centralized wastewater treatment facility that has lined treatment facility processing impoundments and conducts secondary treatment.
107. **Type "C" Existing Facility** means an existing centralized wastewater treatment facility with or without lined treatment facility processing impoundments and where secondary treatment is not conducted.
108. **Upset** means an exceptional incident in which there is an unintentional and temporary noncompliance with the terms and conditions of a centralized wastewater treatment facility permit due to factors beyond the reasonable control of the permittee.
109. **Variance** means a Department authorized deviation from the specific terms and conditions or the provisions of this chapter, or permit.

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110. **Waiver** means an exemption from specific provisions of this chapter or a permit's terms and conditions.
111. **Wastewater** means a generic term for the three different types of wastewaters (in any combination or ratio) that are regulated under this chapter and with the exception of any pretreatment, has not undergone treatment.
- a. **Domestic Wastewater** means liquid and water carried wastes and pollutants containing human fecal, urinary, and other types of human wastes derived principally from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in residences, hotels, restaurants, schools, institutions, public and business buildings, and other places of human habitation, employment, or recreation.
 - b. **Commercial Wastewater** means wastewater from commercial operations which is usually similar in composition to domestic wastewater, but which may occasionally have one or more of its constituents exceed domestic wastewater ranges including, but not limited to, the following:
 1. BOD₅ greater than 380 milligrams per liter.
 2. TSS greater than 430 milligrams per liter.
 3. Total nitrogen greater than 53 milligrams per liter.
 - c. **Industrial Wastewater** means liquid and water-carried wastes from industrial processes, manufacturing processes, chemical processes or any and all other wastewater not otherwise defined as domestic or commercial.
112. **Wastewater Storage Vault** means a sealed chamber made of impervious material that stores wastewater and/or septage on a temporary basis before disposal at another location. In contrast to a portable waste holding tank, a wastewater storage vault is typically a permanent structure, is not portable, and is typically built underground.
113. **Weekly Average** means the highest allowable average calculated as an arithmetic mean of measurements made during seven days or a week. A week starts on Sunday and ends on Saturday.

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15.603. Authorized Methods of Wastewater and Septage Disposal.

A. **Disposal of Domestic and Commercial Wastewater.** Domestic and commercial wastewater shall only be disposed pursuant to the following methods:

1. To a centralized sanitary sewer that is connected to a centralized wastewater treatment facility;
2. To a permitted wastewater storage vault;
3. To a decentralized sanitary sewer that is connected to a decentralized wastewater treatment system; or
4. To another method as approved by the Department on a case-by-case basis.

B. **Disposal of Industrial Wastewater.** Industrial wastewater shall only be disposed:

1. To a centralized sanitary sewer if authorized by the permittee of the receiving centralized wastewater treatment facility;
2. To an industrial wastewater treatment system pursuant to any applicable Community groundwater protection laws;
3. To a state, federal or Community authorized treatment facility; or
4. To another method as approved by the Department on a case-by-case basis.

C. **Disposal of Industrial Wastewater.** It shall be unlawful to truck, pipe, or transport by rail industrial wastewater, hazardous substances, or hazardous waste and dispose of it into a centralized wastewater treatment facility, centralized sanitary sewer, decentralized sanitary sewer, decentralized wastewater treatment system, storage vault or any other location within the Reservation, unless explicitly approved by the Department.

D. **Disposal of Trucked or Hauled Tank Septage or Toilet Septage.**

1. Disposal of trucked or hauled tank septage or toilet septage shall only be disposed of at a Department permitted wastewater storage vault or a centralized wastewater treatment facility.
2. Tank septage or toilet septage shall not be disposed into a centralized sanitary sewer unless authorized under the receiving facility permit.
3. Tank septage or toilet septage shall not be imported into the Reservation for disposal unless explicitly approved in writing by the Department.

E. **Disposal of Recreational Vehicle Septage.**

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1. As authorized by the permittee of the receiving facility, recreational vehicle septage shall only be disposed of at a wastewater storage vault, centralized wastewater treatment facility, centralized sanitary sewer; or
2. To another method as approved by the Department on a case-by-case basis.

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15.604. Treatment Performance Requirements for a Discharge to an Evaporation/Seepage Impoundment or Evaporation Impoundment.

A. **Applicability.** This section is applicable to all new and existing centralized wastewater treatment facilities that discharge treated wastewater to an evaporation/seepage impoundment or evaporation impoundment. These minimum performance requirements and water quality limits are in addition to the general and specific requirements of Section 15.607.

B. General Provisions.

1. Unless alternative locations are specified pursuant to a permit, wastewater treatment performance requirements and water quality limits shall be met at the point of compliance after all wastewater treatment and prior to discharge to the evaporation/seepage impoundment or evaporation impoundment. The point of compliance for a new facility shall be a specific location designed to collect samples.
2. Treated wastewater pursuant to this section shall stay within the treatment facility property boundaries as depicted in the permit application.
3. The Department may substitute an equivalent *Escherichia coli* (*E. coli*) for fecal coliform.
4. For facilities regulated under this section, the permittee may petition the Department to authorize the use of COD parameter in lieu of BOD₅ or CBOD₅ upon establishment of a long-term correlation between BOD₅ or CBOD₅ and COD.
5. On a case-by-case basis the Department may authorize a pH limit up to 9.5 standard units.
6. The Department may impose more stringent requirements in permits than those specified in this section, where appropriate, to protect human health or the environment.
7. If a water quality parameter sampling frequency is not noted in this section, the Department shall set the sampling frequency in the permit such that it allows the Department to determine if a facility is meeting the required water quality limits and treatment performance. A facility in the startup phase or a facility that receives septage may have more stringent requirements. On a case-by-case basis, the Department may reduce sampling frequencies of a parameter based on the performance of the facility.
8. An applicant or permittee may petition the Department to use alternative, less stringent, performance criteria for fecal coliform or *E. coli* bacteria contained in Section 15.604 based on soil and aquifer treatment processes. Department

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approval shall include unsaturated zone or groundwater monitoring to validate the removal of fecal coliform or *E. coli* bacteria and compliance with any applicable Community groundwater quality standards. At the discretion of the Department, approval may require a discharge permit and compliance with Community groundwater protection laws.

9. An applicant or permittee may petition the Department to use alternative, less stringent, performance criteria for total nitrogen or nitrate, as applicable, based on a demonstration of soil and aquifer treatment processes. Department approval shall include unsaturated zone or groundwater monitoring to validate the removal and compliance with any applicable Community groundwater quality standards. At the discretion of the Department, approval may require a discharge permit and compliance with Community groundwater protection laws.
10. On a case-by-case basis the Department is authorized to substitute monitoring and reporting in-lieu of requiring a water quality permit limit.

C. Performance Requirements for New Facilities Using Evaporation/Seepage Impoundments with Design or Effluent Flows Greater Than 500,000 Gallons Per Day.

1. A facility discharging to an evaporation/seepage impoundment with design or effluent flows greater than 500,000 gallons per day (based on a daily average flow) shall meet the following minimum performance requirements:
 - a. Conduct secondary treatment; and
 - b. Conduct disinfection in order to meet the fecal coliform criteria of this subsection; and
 - c. Conduct nitrogen removal treatment to meet the total nitrogen criteria of this subsection.
2. Treated wastewater shall meet the following:
 - a. Biochemical Oxygen Demand (BOD₅).
 1. The monthly average shall not exceed 30 milligrams per liter.
 2. The weekly average shall not exceed 45 milligrams per liter.
 3. The monthly average percent removal shall not be less than 85 percent; **or**
 - b. Carbonaceous Biochemical Oxygen Demand (CBOD₅).
 1. The monthly average shall not exceed 25 milligrams per liter.

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2. The weekly average shall not exceed 40 milligrams per liter.
 3. The monthly average percent removal shall not be less than 85 percent; **and**
- c. Total Suspended Solids (TSS).
1. The monthly average shall not exceed 30 milligrams per liter.
 2. The weekly average shall not exceed 45 milligrams per liter.
 3. The monthly average percent removal shall not be less than 85 percent; **and**
- d. The treated wastewater values for pH shall be maintained within the limits of 6.0 to 9.0 standard units; **and**
- e. Meet the following fecal coliform criteria:
1. The monthly average concentration of fecal coliform organisms shall be less than 1.0 cfu per 100 milliliters based on a geometric mean with a sampling frequency of one sample per week; and
 2. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample shall be less than 23 cfu per 100 milliliters; **and**
- f. Meet a total nitrogen limit of less than or equal to 10 milligrams per liter (five sample rolling geometric mean) based on a monthly sampling frequency.

D. Performance Requirements for New Facilities Using Evaporation/Seepage Impoundments with Design or Effluent Flows less than 500,000 Gallons Per Day.

1. A facility discharging to an evaporation/seepage impoundment with design or effluent flows less than 500,000 gallons per day (based on a daily average flow) shall meet the following minimum performance requirements:
 - a. Conduct secondary treatment; and
 - b. Conduct disinfection in order to meet the fecal coliform criteria of this subsection; and
 - c. Conduct nitrogen removal treatment to meet the nitrate as nitrogen criteria of this subsection.

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2. Treated wastewater shall meet the following:
 - a. Biochemical Oxygen Demand (BOD₅).
 1. The monthly average shall not exceed 30 milligrams per liter.
 2. The weekly average shall not exceed 45 milligrams per liter.
 3. The monthly average percent removal shall not be less than 85 percent; **or**
 - b. Carbonaceous Biochemical Oxygen Demand (CBOD₅).
 1. The monthly average shall not exceed 25 milligrams per liter.
 2. The weekly average shall not exceed 40 milligrams per liter.
 3. The monthly average percent removal shall not be less than 85 percent; **and**
 - c. Total Suspended Solids (TSS).
 1. The monthly average shall not exceed 30 milligrams per liter.
 2. The weekly average shall not exceed 45 milligrams per liter.
 3. The monthly average percent removal shall not be less than 85 percent; **and**
 - d. The treated wastewater values for pH shall be maintained within the limits of 6.0 to 9.0 standard units; **and**
 - e. Meet the following fecal coliform criteria:
 1. The monthly average concentration of fecal coliform organisms shall be less than 200 cfu per 100 milliliters based on a geometric mean with a sampling frequency of one sample per week; and
 2. The single sample maximum concentration of fecal coliform organisms shall be less than 800 cfu per 100 milliliters; **and**
 - f. Meet a nitrate as nitrogen limit of less than or equal to 10 milligrams per liter (five sample rolling geometric mean) based on a monthly sampling frequency.

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E. Performance Requirements for New Facilities Using Evaporation Impoundments.

1. A new facility discharging any quantity of effluent to an evaporation impoundment shall meet the following minimum performance requirements:
 - a. Conduct secondary treatment; and
 - b. The monthly average *BOD*₅ shall not exceed 45 milligrams per liter; or the monthly average *CBOD*₅ shall not exceed 40 milligrams per liter; and
 - c. The monthly average *TSS* shall not exceed 65 milligrams per liter; and
 - d. The treated wastewater values for pH shall be maintained within the limits of 6.0 to 9.0 standard units.

F. Performance Requirements for Type A Existing Facilities Using Evaporation/Seepage Impoundments.

1. This subsection is applicable only to existing facilities that the Department characterizes as a “Type A” existing facility.
2. The Type A facility shall conduct secondary treatment.
3. The Type A facility shall provide disinfection in order to meet the fecal coliform criteria of this subsection. Disinfection equipment may remain idle if the effluent can meet the fecal coliform criteria.
4. Treated wastewater shall meet the following:
 - a. Biochemical Oxygen Demand (*BOD*₅).
 1. The monthly average shall not exceed 30 milligrams per liter.
 2. The weekly average shall not exceed 45 milligrams per liter.
 3. The monthly average percent removal shall not be less than 85 percent; **or**
 - b. Carbonaceous Biochemical Oxygen Demand (*CBOD*₅).
 1. The monthly average shall not exceed 25 milligrams per liter.
 2. The weekly average shall not exceed 40 milligrams per liter.
 3. The monthly average percent removal shall not be less than 85 percent; **and**

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- c. Total Suspended Solids (TSS).
 - 1. The monthly average shall not exceed 30 milligrams per liter.
 - 2. The weekly average shall not exceed 45 milligrams per liter.
 - 3. The monthly average percent removal shall not be less than 85 percent; **and**
- d. The treated wastewater values for pH shall be maintained within the limits of 6.0 to 9.0 standard units; **and**
- e. Meet the following fecal coliform criteria:
 - 1. The monthly average concentration of fecal coliform organisms shall be less than 1,000 cfu per 100 milliliters based on a geometric mean with a sampling frequency of one sample per week; and
 - 2. The single sample maximum concentration of fecal coliform organisms shall be less than 4,000 cfu per 100 milliliters.

G. Performance Requirements for Type B Existing Facilities Using Evaporation/Seepage Impoundments.

- 1. This subsection is applicable only to existing facilities that the Department characterizes as a “Type B” existing facility:
- 2. Each Type B facility shall conduct secondary treatment.
- 3. Treated wastewater shall meet the following:
 - a. Biochemical Oxygen Demand (BOD₅).
 - 1. The monthly average shall not exceed 30 milligrams per liter.
 - 2. The weekly average shall not exceed 45 milligrams per liter; **or**
 - b. Carbonaceous Biochemical Oxygen Demand (CBOD₅).
 - 1. The monthly average shall not exceed 25 milligrams per liter.
 - 2. The weekly average shall not exceed 40 milligrams per liter; **and**
 - c. Total Suspended Solids (TSS).

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1. The monthly average shall not exceed 30 milligrams per liter.
 2. The weekly average shall not exceed 45 milligrams per liter; **and**
 - d. The treated wastewater values for pH shall be maintained within the limits of 6.0 to 9.0 standard units.
4. Samples for compliance shall be taken on a monthly basis if septage is not authorized at the facility or weekly if septage is authorized.

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15.605. Reclaimed Water Quality Standards.

A. Applicability and General Provisions.

1. Reclaimed water that meets the treatment performance requirements for Category I pursuant to Section 15.605.B or Category II, pursuant to Section 15.605.C, shall be considered reclaimed water suitable for authorized uses pursuant to Section 15.606.
2. Excluding the turbidity standard for Category I under Section 15.605.B.2.d.1-3, reclaimed water shall meet all other applicable performance requirements and water quality limits at the point of compliance located after all reclaimed water treatment has occurred and prior to discharge to a reclaimed water distribution system.
3. The Department may substitute an equivalent *Escherichia coli* (*E. coli*) for fecal coliform.
4. The Department may impose more stringent requirements in permits than those specified in this section, where appropriate, to protect human health or the environment.
5. If a water quality parameter sampling frequency is not noted in this section, the Department shall set the sampling frequency in the permit on a case-by-case basis. Sampling frequencies may vary by facility based on required treatment performance, water quality limits, if the facility is in the startup phase, or if the facility receives septage.
6. On a case-by-case basis, the Department may waive the total nitrogen removal requirement for Category I and II if the applicant can demonstrate reuse of the reclaimed water will result in 100 percent consumptive reuse of the reclaimed water.

B. Category I.

1. Category I reclaimed water shall meet the following minimum performance requirements:
 - a. Conduct secondary treatment, and
 - b. Conduct filtration, and
 - c. Conduct disinfection in order to meet the fecal coliform criteria of this subsection, and

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- d. Conduct nitrogen removal treatment to meet the total nitrogen criteria of this subsection.
2. Category I reclaimed water shall meet the following limits:
 - a. Biochemical Oxygen Demand (BOD₅).
 1. The monthly average shall not exceed 30 milligrams per liter.
 2. The weekly average shall not exceed 45 milligrams per liter.
 3. The monthly average percent removal shall not be less than 85 percent; **or**
 - b. Carbonaceous Biochemical Oxygen Demand (CBOD₅).
 1. The monthly average shall not exceed 25 milligrams per liter.
 2. The weekly average shall not exceed 40 milligrams per liter.
 3. The monthly average percent removal shall not be less than 85 percent; **and**
 - c. The reclaimed water values for pH shall be maintained within the limits of 6.0 to 9.0 standard units; **and**
 - d. Comply with the following turbidity requirements:
 1. Turbidity shall be continuously monitored using appropriate technology at a point in the treatment process after filtration and immediately before disinfection. This technology shall include redundant and/or back-up monitoring equipment to ensure the continuous monitoring of turbidity during times of electrical power or equipment failures.
 2. The 24-hour average turbidity shall be two nephelometric turbidity units (NTUs) or less, and
 3. The turbidity shall not exceed five NTUs at any time; **and**
 - e. Meet the following fecal coliform criteria:

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1. There shall be no detectable fecal coliform organisms in four of the reclaimed water samples collected during the week based on a sampling frequency of seven daily samples per week; and
2. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample shall be less than 23 cfu per 100 milliliters; **and**
- f. Meet a total nitrogen limit of less than or equal to 10 milligrams per liter (five sample rolling geometric mean) based on a monthly sampling frequency.
3. Chemical feed facilities to add coagulants or polymers are required to ensure that filtered treated wastewater before disinfection complies with the turbidity criterion prescribed in Section 15.605.B.2.d. Chemical feed systems may remain idle if the 24-hour average turbidity criterion is achieved without chemical addition.

C. **Category II.**

1. Category II reclaimed water shall meet the following minimum performance requirements:
 - a. Conduct secondary treatment; and
 - b. Conduct disinfection in order to meet the fecal coliform criteria of this subsection; and
 - c. Conduct nitrogen removal treatment to meet the total nitrogen criteria of this subsection.
2. Category II reclaimed water shall meet the following limits:
 - a. Biochemical Oxygen Demand (BOD₅).
 1. The monthly average shall not exceed 30 milligrams per liter.
 2. The weekly average shall not exceed 45 milligrams per liter.
 3. The monthly average percent removal shall not be less than 85 percent; **or**
 - b. Carbonaceous Biochemical Oxygen Demand (CBOD₅).

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1. The monthly average shall not exceed 25 milligrams per liter.
 2. The weekly average shall not exceed 40 milligrams per liter.
 3. The monthly average percent removal shall not be less than 85 percent; **and**
- c. Total Suspended Solids (TSS).
1. The monthly average shall not exceed 30 milligrams per liter.
 2. The weekly average shall not exceed 45 milligrams per liter.
 3. The monthly average percent removal shall not be less than 85 percent; **and**
- d. The reclaimed water values for pH shall be maintained within the limits of 6.0 to 9.0 standard units; **and**
- e. Meet the following fecal coliform criteria:
1. The concentration of fecal coliform organisms in four of the reclaimed water samples collected during the week based on a sampling frequency of seven daily samples per week shall be less than 200 cfu per 100 milliliters; and
 2. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample shall be less than 800 cfu per 100 milliliters; **and**
- f. Meet a total nitrogen limit of less than or equal to 10 milligrams per liter (five sample rolling geometric mean) based on a monthly sampling frequency.

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15.606. Authorized Uses of Reclaimed Water.

A. Applicability and General Requirements.

1. Authorized uses of reclaimed water shall be pursuant to this section.
2. A person proposing to use reclaimed water for an authorized use shall comply with all regulations of this chapter, including, but not limited to, signage pursuant to Table 3 entitled *Signage and Notice Requirements for Reclaimed Water Uses*, and reclaimed water distribution requirements pursuant to Section 15.614.
3. The following activities or uses of reclaimed water are strictly prohibited at all times:
 - a. Direct human consumption or use in the preparation of food or for drinking; and
 - b. Swimming or other full or partial immersion activities with a potential for oral ingestion.
4. For each use of reclaimed water under this section, the Department may require on a case-by-case basis that the reclaimed water meet more stringent criteria or require additional criteria and requirements. The basis for a modification includes, but not limited to, the designated uses of the water body receiving the discharge, EPA permit requirements under the federal Clean Water Act, 33 U.S.C. § 1251 *et seq.*, applicable Community surface water quality standards and laws, applicable Community groundwater quality laws, and other requirements to protect human health or the environment.

B. Requirements for Reuse. All reuse shall conform to the requirements of Section 15.611.

C. Requirements for Point Source Discharge of Reclaimed Water to a Surface Water.

1. Reclaimed water that has not been blended with non-reclaimed water(s) and discharged as a point source to a surface water shall meet the performance requirements of Category I under Section 15.605.B. If the reclaimed water is blended with other non-reclaimed water(s) before discharge, the non-blended reclaimed water component shall meet Category I before blending. On a case-by-case basis the Department may approve alternative reclaimed water treatment criteria and requirements. Any request for alternative criteria or requirements shall meet or exceed any applicable Community surface water quality standards and laws.
2. An applicant or permittee may petition the Department to use alternative, less

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stringent, performance criteria for total nitrogen or nitrate, as applicable, based on a demonstration of soil and aquifer treatment processes. Department approval shall include unsaturated zone or groundwater monitoring to validate the removal and compliance with any applicable Community groundwater quality standards. At the discretion of the Department, approval may require a discharge permit and compliance with Community groundwater protection laws.

D. Requirements for Indirect Potable Recharge Through Land Application.

1. Reclaimed water that has not been blended with non-reclaimed water(s) and discharged for indirect potable groundwater recharge through land application (e.g., managed percolation basins) shall meet the performance requirements of Category I under Section 15.605.B. If the reclaimed water is blended with other non-reclaimed water(s) before recharge, the non-blended reclaimed water component shall meet Category I before blending.
2. At the Department's discretion, a permit may be issued under this chapter to protect groundwater quality when a facility conducts indirect potable recharge by land application using reclaimed water or a blend containing reclaimed water and non-reclaimed water. The permit may include groundwater quality permit limits pursuant to criteria of the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.*, groundwater quality monitoring, and reporting requirements.
3. An applicant or permittee may petition the Department to use alternative, less stringent, performance criteria for fecal coliform or *E. coli* bacteria contained in Section 15.605.B based on soil and aquifer treatment processes. Department approval shall include unsaturated zone or groundwater monitoring to validate the removal of fecal coliform or *E. coli* bacteria and compliance with any applicable Community groundwater quality standards. At the discretion of the Department, approval may require a discharge permit and compliance with Community groundwater protection laws.
4. An applicant or permittee may petition the Department to use alternative, less stringent, performance criteria for total nitrogen or nitrate, as applicable, based on a demonstration of soil and aquifer treatment processes. Department approval shall include unsaturated zone or groundwater monitoring to validate the removal and compliance with any applicable Community groundwater quality standards. At the discretion of the Department, approval may require a discharge permit and compliance with Community groundwater protection laws.

E. Requirements for Indirect Potable Recharge through Subsurface Methods.

1. Reclaimed water that has not been blended with non-reclaimed water(s) and discharged for indirect potable groundwater recharge through subsurface application (e.g., well injection) shall meet the performance requirements of Category I under Section 15.605.B. If the reclaimed water is blended with other

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non-reclaimed water(s) before recharge, the non-blended reclaimed water component shall meet Category I before blending.

2. At the Department's discretion, a permit may be issued under this chapter to protect groundwater quality when a facility conducts indirect potable recharge using reclaimed water, or a blend containing reclaimed water and non-reclaimed water, through subsurface methods. The permit may include groundwater quality permit limits pursuant to criteria of the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.*, groundwater quality monitoring, and reporting requirements. Additionally, depending on where the reclaimed water is injected in proximity to groundwater and potential effectiveness or ineffectiveness of soil aquifer treatment, the Department may require the reclaimed water (or a blend of reclaimed water and non-reclaimed water(s)) used for recharge by subsurface methods to comply with the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.*, or applicable Community groundwater quality standards before the point of injection.

F. **Requirements for Other Reclaimed Water Uses.**

1. On a case-by-case basis, other authorized uses of reclaimed water may be proposed and approved by the Department.
2. Required reclaimed water treatment level requirements, water quality limits, compliance sampling frequencies and other requirements shall be determined on a case-by-case basis.
3. The Department shall, using its best professional judgment, consider factors such as the following when determining performance requirements and water quality limits:
 - a. The risk to human health and the environment;
 - b. The level of treatment necessary to ensure that the reclaimed water is aesthetically acceptable;
 - c. The level of treatment necessary to prevent nuisance conditions;
 - d. Specific water quality requirements for the intended type of end use;
 - e. The means of application of the reclaimed water;
 - f. The potential for improper or unintended use of the reclaimed water;
 - g. Potential impact on groundwater and surface water;
 - h. Guidelines, criteria, or standards adopted or recommended by the EPA and other government agencies; and

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- i. Similar reclaimed water experience in other jurisdictions.
4. At the discretion of the Department, public notice and comment may be required when the Department reviews a proposal to approve a new use of reclaimed water.

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15.607. Centralized Wastewater Treatment Facilities – General and Specific Requirements and Permits.

A. Applicability.

1. A Department issued permit is required for the construction and operation of a centralized wastewater treatment facility.
2. Unless otherwise noted, the requirements in this section apply to both new and existing centralized wastewater treatment facilities located within the Reservation. These requirements are in addition to any performance requirements and water quality limits pursuant to Sections 15.604, 15.605, or 15.606.
3. If an existing or new facility plans on making any physical modifications or additions to the facility, the permittee shall submit the proposed modifications to the Department at least 60 calendar days in advance. The Department shall determine if the proposed modifications will be a substantial modification and if a new or revised permit is required and what requirements pursuant to this chapter are applicable. If a substantial modification requires a new permit, the facility shall be classified as a new facility.
4. If a Type C existing facility plans on undergoing a substantial modification, the permittee shall submit a permit application to the Department that conforms to the requirements of Section 15.607.D. The application shall meet the requirements of this section and the performance requirements pursuant to Section 15.604.C, D, or E or Section 15.605 as applicable.
5. The City of Chandler Lone Butte wastewater treatment facility is exempt from the requirements of this section.

B. General Requirements.

1. A centralized wastewater treatment facility that treats wastewater for an authorized use of reclaimed water pursuant to Section 15.606 shall maintain a Department-issued Reclaimed Water Facility permit.
2. A centralized wastewater treatment facility that treats wastewater for discharge to an evaporation/seepage impoundment or an evaporation impoundment pursuant to Section 15.604 shall maintain a Department-issued Treatment/Storage Facility permit.
3. A Type C existing wastewater treatment facility shall maintain a Department issued Storage Facility permit.
4. If a centralized wastewater treatment facility requires design or redesign it shall be done by a licensed professional engineer with relevant experience.

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5. In the Department's discretion, the Department may group multiple facilities owned by a single permittee into one permit if the facility types and permit conditions are similar.
6. Centralized wastewater treatment facilities may be privately owned and operated if authorized by the Department. These types of facilities may necessitate additional requirements including, but not limited to, additional and more stringent pretreatment requirements and the prohibition against discharges of unauthorized materials and substances to the sewer system. The additional requirements shall be determined on a case-by-case basis.
7. If a wastewater treatment facility produces reclaimed water for more than one end use, the facility shall meet the treatment level with the most restrictive requirements.
8. The permittee of a centralized wastewater treatment facility shall ensure that the facility is under the responsible charge of operators holding a valid certification equal to or greater than the classification of the facility, as determined by the applicable certification authority (such as, but not limited to, the Inter Tribal Council of Arizona).
9. A centralized wastewater treatment facility shall be operated in a manner consistent with industry standards and practices.
10. A person shall not create or maintain a connection between any part of a centralized wastewater treatment facility and a potable water supply such that wastewater, treated wastewater, or reclaimed water contaminates the potable water supply.
11. A new centralized wastewater treatment facility shall not be constructed within 500 feet of a potable water supply well.
12. The Department shall require public notice and comment on all new centralized wastewater treatment facilities pursuant to Section 15.628. At the discretion of the Department, public notice and comment may also be required when revising a permit.

C. Specific Requirements.

1. Bypass and unauthorized discharges.
 - a. All unauthorized discharges or bypasses are prohibited except when the permittee of a centralized wastewater treatment facility demonstrates that discharge or bypass was unavoidable to prevent loss of life, personal

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injury, or severe property damage; and there were no feasible alternatives to the bypass such as the use of auxiliary treatment facilities.

- b. If an unauthorized discharge or bypass occurs, the permittee shall provide written notice to the Department within 24 hours of the event. A notice shall include:
 1. A description of the bypass or unauthorized release;
 2. The cause;
 3. Estimated volumes released;
 4. Dates and times of the event;
 5. A summary of any environmental impacts;
 6. Measures taken to minimize or abate environmental or human health impacts caused by the bypass or unauthorized release; and
 7. Steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
2. Minor system failures. In the event of a minor system failure, the permittee may continue to operate pursuant to the permit.
3. Major system failures.
 - a. The Department issued facility permit shall detail procedures for addressing major system failures. The procedures may include, but not be limited to, requiring the permittee to:
 1. Immediately implement the facility's contingency procedures;
 2. Cease the distribution or delivery of reclaimed water to any applicable end user and/or reclaimed water distributor;
 3. Investigate the cause of the violation;
 4. Submit reports to the Department summarizing contaminant concentrations, results of any investigations, cause of noncompliance, actions taken by the permittee to mitigate the violation, among others.
 - b. Upon review of a submitted report pursuant to Section 15.607.C.3.a.4, the Department may require the permittee to conduct appropriate measures

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including, but not limited to, requiring additional types of monitoring or increasing the frequency of monitoring.

- c. The permit shall also include actions the Department may take for noncompliance including requiring a permit amendment, permit compliance, and permit enforcement.
- d. Upset may be an affirmative defense to an enforcement action brought for circumstances of noncompliance with the terms and conditions of a centralized wastewater treatment facility's permit. An affirmative defense for an upset shall only apply if the permittee of the permitted centralized wastewater treatment facility demonstrates through operating logs or other relevant evidence that:
 1. An upset occurred due to circumstances unforeseeable by the permittee and was unintentional;
 2. The permitted centralized wastewater treatment facility was at the time being properly operated and maintained; and
 3. The permittee submitted notice of the upset to the Department within 24 hours of its discovery.
4. Duty to meet any additional permit water quality limits. The Department may establish water quality limits in a centralized wastewater treatment facility permit that are separate and in addition to any applicable requirements under Sections 15.604, 15.605, or 15.606.
5. Pretreatment program.
 - a. If industrial or commercial wastewater is connected to a centralized sanitary sewer, the Department may require a centralized wastewater treatment facility permittee to monitor for pollutants and contaminants at the treatment facility or in the sewer system. Monitoring may include whole effluent toxicity testing and require 24 hour composite samples using auto samplers.
 - b. Based on the results of any water quality monitoring, the Department may add water quality limits to a permit to protect groundwater, surface water, and/or the environment. The Department may also require the permittee of the centralized wastewater treatment facility to develop and implement an enforceable industrial pretreatment program to maintain compliance with the water quality limits.
 - c. If commercial or industrial wastewater is disposed to a centralized sanitary sewer and the Department determines the nature and/or volume of the

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commercial or industrial wastewater has a reasonable potential for adversely affecting the centralized sanitary sewer system, the wastewater treatment facility and its employees, uses of reclaimed water, or the environment; the wastewater treatment facility permittee may be required to develop and implement an enforceable industrial pretreatment program. For proposed discharges that are significant in nature or volume, the Department may require the pretreatment program to be approved in advance of the discharge.

- d. If an enforceable industrial pretreatment program is required, it shall be protective of the centralized sanitary sewer system, the centralized wastewater treatment facility and its employees, uses of reclaimed water, and the environment. The permittee of a pretreatment program shall have the authority to implement and enforce an approved industrial pretreatment program. The permittee of an industrial pretreatment program shall ensure the program includes the following:
 1. Specific prohibitions;
 2. Water quality limits for pollutants and contaminants;
 3. Procedures for conducting inspections, monitoring, and reporting;
 4. Procedures for ensuring compliance of the program; and
 5. Other requirements determined by the Department as necessary.
 - e. If an enforceable industrial pretreatment program is required, the Department shall review and approve the program.
6. Reclaimed water distribution and reuse.
- a. A centralized wastewater treatment facility that produces reclaimed water may be classified by the Department as a reclaimed water distributor pursuant to the requirements of Section 15.613 of this chapter and shall comply with the requirements of Section 15.614 to distribute reclaimed water to end users.
 - b. If authorized by the centralized wastewater treatment facility permit, the permittee may use Category I or II reclaimed water for any appropriate uses set forth in Table 2. Such reuse shall comply with the reuse general requirements of Section 15.611, reclaimed water distribution requirements of Section 15.614, and advisory signs and notices pursuant to Table 3.
 - c. The permittee of a new facility or a Type A or B existing centralized wastewater treatment facility may use partially-treated wastewater within

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the centralized wastewater treatment facility grounds for purposes related to the operation of the treatment facility, such as process water or facility wash down. At no time shall partially treated wastewater be released to soils. This use shall not be classified as "reuse." All applicable health and safety precautions shall be employed.

7. Groundwater protection.
 - a. To reduce seepage as much as technically practical from all components and infrastructure of a new facility used for treatment (up to the point of compliance), best available and demonstrated (on an industry-wide basis) technology for liners, vessels, and containment barriers available at the time of facility design shall be used.
 - b. Unless authorized in a facility permit, at no time shall untreated or partially treated wastewater or septage contact soils.
 - c. A liner for a new treatment facility processing impoundment shall be a Department approved synthetic liner that meets the following minimum requirements:
 1. A 60-mil liner of High Density Polyethylene, or an alternative, such that the liner's calculated seepage rate is less than 550 gallons per acre per day;
 2. Ensure it is anchored by securing to an engineered anchor trench;
 3. Ensure that the liner is ultraviolet resistant if it is regularly exposed to sunlight;
 4. Ensure that the liner is constructed of a material that is chemically compatible with the wastewater and is not affected by corrosion or degradation; and
 5. Tested upon completion of installation to determine effectiveness at reducing seepage to less than 550 gallons per acre per day. The Department may require specific testing procedures including testing by a qualified engineer.
 - d. All new evaporation impoundments shall require a liner meeting the requirements of Section 15.607.C.7.c.1 through 5, unless an alternative is approved by the Department.
 - e. Depending on concentrations and loadings of pollutants and contaminants from commercial and industrial sources, depth to groundwater beneath the facility, authorization to receive septage, design of the treatment facility,

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installation of lined treatment facility processing impoundments, performance of the facility, introduction of chemicals by the wastewater facility itself, and other factors, a permittee of a centralized wastewater treatment facility may be required under the discretion of the Department to install groundwater monitor wells, monitor groundwater quality, and comply with any applicable Community groundwater quality standards. A permittee may also be required to comply with any applicable Department groundwater protection laws.

8. Water Quality Monitoring.

- a. Routine effluent performance monitoring shall be conducted pursuant to the Department issued permit and may include, but not be limited to, continuous, daily, weekly, bi-weekly, monthly, or quarterly frequencies and may be instantaneous, discrete, or composite samples at both influent and effluent locations. Composite samples may require the use of auto samplers. The Department may require new facilities during startup to conduct sampling at greater frequencies.
- b. In addition to any industrial or commercial contribution monitoring pursuant to Section 15.607.C.5, or routine effluent performance monitoring pursuant to this subsection, the permittee of a centralized wastewater treatment facility may be required to conduct monitoring of influent or effluent for water quality contaminants. Monitoring may require whole effluent toxicity monitoring.
- c. All new facilities are required to include both influent and effluent dedicated sampling locations designed to collect water quality samples.
- d. The Department may require or the applicant/permittee may request the use of flow weighted measurements in a permit. Permit monitoring may include mass limits and/or concentration limits.
- e. The permittee of a centralized wastewater treatment facility shall be required to implement a sample analysis plan for any monitoring required under a permit. The level of detail required in the plan should vary depending on the scope and purpose of the sampling. For new facilities the sample analysis plan shall be developed and submitted to the Department for approval before permit issuance. For all Type A and B existing facilities, the Department shall incorporate the sample analysis plan requirements into the permit. At a minimum, a sample analysis plan shall include:
 1. Identification of specific locations, frequencies and timing of sampling;

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2. Identification of parameters to be sampled and analyzed;
 3. Sampling methods;
 4. Identification of analytical methods with practical quantitation limits;
 5. Types of sampling equipment;
 6. Procedures for sample collection and handling including preservation;
 7. Methods for determining flow;
 8. Field safety protocols;
 9. Procedures to be used to prevent cross-contamination;
 10. Description and number of quality control samples (e.g., duplicates and equipment blanks);
 11. Protocols for sample labeling and chain of custody;
 12. Quality controls, requirements, and criteria (accuracy, bias, precision, representativeness, completeness);
 13. Data validation (bias and precision);
 14. Data verification; and
 15. Data reporting procedures.
- f. The permittee shall report compliance monitoring results and operational data to the extent necessary to verify that the facility is meeting all applicable water quality limits and treatment requirements.
- g. The permittee shall comply with the procedural requirements specified in the permit regarding compliance monitoring activities.
9. Influent and effluent flow metering. All new facilities shall install flow measurement and recording devices to measure influent and effluent flows (e.g., Parshall flume, magnetic meter, ultrasonic meter, etc.).
10. Minimum treatment requirements. The minimum treatment levels and performance requirements for a centralized wastewater treatment facility shall be based on Sections 15.604, 15.605, and 15.606.

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11. Facility access control. A centralized wastewater treatment facility, including any evaporation/seepage or evaporation impoundments, shall employ the use of fences, walls, gates, locks and other forms of barriers and devices to prohibit unauthorized access at all times.
12. Disinfection. If disinfection is required, the specific disinfection requirements including, but not limited to, methods, types, dosage, minimum contact times, residual concentrations, and standby equipment shall be determined by the Department on a case-by-case basis. Depending on where the discharge occurs and potential impacts to the environment, the disinfection process may be required to minimize disinfection by-products (e.g., trihalomethane compounds) by using ultraviolet, ozone, or other demonstrated technologies. Additionally, de-chlorination may be required before discharge. If chlorine based products are authorized for disinfection purposes, the permittee shall limit the use of such products such that the treated wastewater is disinfected only to the extent necessary to achieve water quality permit limits for fecal coliform.
13. Odor control. New wastewater treatment facilities shall be designed and operated such that it does not emit an offensive odor, as determined by the Department, beyond 400 feet of the facility boundary. If the Department determines a new facility is in violation of the odor control requirements, the Department may open a permit and require additional permit requirements including, but not limited to dissolved oxygen limits, as necessary to manage odors.
14. Facility maintenance. All facilities shall be maintained pursuant to the original specifications (or approved equivalent) and shall include, but not be limited to, access roads, erosion, weed management, fencing, signage, etc.
15. Facilities receiving septage.
 - a. Disposal of septage shall meet the requirements of Section 15.603.D and be authorized in the facility permit.
 - b. At no time shall untreated or partially treated septage contact soils.
 - c. All septage received at a facility shall be processed and treated.
 - d. Only new facilities and Type A and B existing centralized wastewater treatment facilities may be authorized to receive septage. The permittee shall maintain septage receiving records pursuant to the facility permit.
 - e. The introduction of tank septage, toilet septage, or recreational vehicle septage shall not violate any provision of this chapter or any permit requirement or limit.

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- f. If water quality permit limits are not being achieved at the point of compliance as a result of the facility receiving septage, the facility permittee shall be responsible for employing additional treatment or pretreatment methods in order to meet permit limits.
16. Operation and maintenance manual.
 - a. All new centralized wastewater treatment facilities that apply for a reclaimed water facility permit shall create and maintain at the facility an operation and maintenance manual. The detail of the manual shall be consistent with the complexity of the treatment and facility design.
 - b. The applicant shall submit a copy of the manual to the Department within 180 calendar days of permit issuance.
 - c. The manual shall be updated as needed.
 - d. The permittee shall use the manual to guide facility operations and maintenance to ensure compliance with the terms of a permit and for the reliable and efficient operation and maintenance of the facility.
 17. Within two years of the effective date of this chapter, the permittee of a Type C existing facility shall submit a document to the Department that evaluates potential Type C facility upgrade options and opportunities. At a minimum, the document shall include estimated costs with potential funding opportunities (e.g., grants) and estimated time frames to complete the design and construction in order to upgrade each Type C existing facility. The permittee shall examine two different upgrade options for each Type C existing facility including: 1) upgrading to a “new” facility pursuant to 15.604.C, D or E; and 2) upgrades including use of a lined treatment facility processing impoundment pursuant to Section 15.607.C.7.c and conducting secondary treatment that meets the following criteria before discharging into an evaporation impoundment or an evaporation/seepage impoundment:
 - a. The monthly average *BOD*₅ shall not exceed 45 milligrams per liter; or the monthly average *CBOD*₅ shall not exceed 40 milligrams per liter;
 - b. The monthly average *TSS* shall not exceed 65 milligrams per liter; and
 - c. The treated wastewater values for pH shall be maintained within the limits of 6.0 to 9.0 standard units.

In addition to the above, the document may include other strategic options including, but not limited to, combining flows in order to reduce the number of existing Type C facilities or utilizing decentralized wastewater treatment systems.

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D. **Permitting Process for Centralized Wastewater Treatment Facilities.**

1. Permitting process for new and existing facilities.
 - a. Prospective applicants are encouraged to meet with the Department prior to submission of an application to discuss the application procedure and anticipated application requirements.
 - b. An applicant desiring to construct and operate a new centralized wastewater treatment facility or a permittee of an existing facility that will be undergoing a substantial modification and the Department determines that a new permit is required, shall provide all of the information required on a standard permit application form provided by the Department including any documentation to satisfy any requirements of a land use authorization.
 - c. Upon submission of all information required in the application pursuant to Section 15.607.D.2, the Department shall evaluate the permit application for completeness. Within 60 calendar days of submission of an application, the Department shall notify the applicant in writing that the application is complete or incomplete and whether additional information is required. If additional information is required, the Department will notify the applicant in writing. The Department shall not process an application until it is determined to be complete.
 - d. Within 90 calendar days of receipt of a completed application, the Department shall perform a technical review of the submitted documents and make a determination as to eligibility to receive a permit. During the technical review, the Department may request additional information. As a part of the technical review, the Department may require public notice and comment pursuant to Section 15.628.
 - e. Upon determination the applicant is eligible for a permit, the Department shall issue a Letter of Permit Eligibility. A Letter of Permit Eligibility approval may include, and be contingent upon, meeting specific requirements to be completed before operation. The applicant may commence construction on a facility upon receipt of a Letter of Permit Eligibility.
 - f. Within 90 calendar days from issuance of the Letter of Permit Eligibility, the Department shall prepare a draft permit and provide the applicant with a copy for review and comment. The permit may include the completion of specific requirements over a period of time that shall be implemented through a compliance schedule.

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5. Use of adjacent properties; and
 6. Compliance with any land use authorization requirements.
- d. Signed, dated, and stamped facility engineering design plans.
- e. Professional engineer design report. A signed, dated, and stamped report addressing the following minimum requirements:
1. Wastewater influent characterization including expected quantity, quality, seasonality, and impact of increased flows as the facility reaches design flow;
 2. Proposed method of treatment;
 3. Proposed headworks;
 4. Description of treatment processes including engineering diagrams and calculations that demonstrate the design will achieve required treatment levels and meet all performance criteria and water quality limits;
 5. Designed retention times and methods employed to prevent short circuiting;
 6. Design flows of facility including average day, maximum day, maximum month, and peak hour flows in gallons per day;
 7. A description of normal operation;
 8. If the facility will accept recreational vehicle septage, or trucked or hauled tank septage or toilet septage, a demonstration that the septage will be properly managed (e.g., septage pretreatment or metering) and not interfere with meeting water quality limits;
 9. Information demonstrating compliance with the groundwater protection requirements of Section 15.607.C.7;
 10. Design and estimated performance of disinfection including, but not limited to, methods, types, dosage, minimum contact times, residual concentrations, de-chlorination, and standby equipment;
 11. Influent and effluent measurement methods and devices;
 12. Identification of point of compliance location(s) for compliance sampling;

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13. Impoundment construction details including materials, slopes, freeboard, etc;
 14. If soil aquifer treatment or other aspects of site conditions are used, the applicant shall document performance of the site;
 15. How the facility will be operated during power outages, equipment failures, or other unforeseen failures;
 16. Designed/estimated water quality levels for turbidity, BOD₅ or CBOD₅, TSS, pH, nitrates, ammonia, fecal coliform, and dissolved oxygen. A water quality expectations schematic shall also be included with the report;
 17. Estimated percent removal of BOD₅ or CBOD₅ and TSS; and
 18. Other relevant information and documentation for the Department to determine if the facility design will meet the minimum requirements of this chapter.
- f. A description of the centralized sanitary sewer system that will be connected to the facility, including areas served, total population served, and description of any commercial or industrial customers discharging to the system.
 - g. MSDS sheets for all proposed chemicals that will be used at the facility.
 - h. If applicable, identification of the planned highest use of reclaimed water.
 - i. Identification of all distributors.
 - j. Any proposed reuse activities to be undertaken by the applicant at the centralized wastewater treatment facility.
 - k. Sludge management, including frequency of sludge assessment, an estimate on time to first desludging (sludge accumulation rate), and how sludge will be removed and disposed.
 - l. Demonstration of technical capability to carry out terms of the facility permit, including any relevant licenses, certifications, training and work experience.
 - m. Waivers and variance requests.

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- n. A description of the system startup plan, including preoperational testing and monitoring requirements during startup and expected time-frame for meeting performance requirements.
 - o. Contingency procedures, including, but not limited to, the following:
 - 1. Major system failures;
 - 2. Bypass;
 - 3. Liner failures, leaks, or damage;
 - 4. Damage to facility fencing and restrictive barriers;
 - 5. Exceedances of water quality limits;
 - 6. Excessive odor from facility;
 - 7. Emergency procedures for spills and unauthorized releases;
 - 8. Impoundment storage exceedances; and
 - 9. For reclaimed water facilities, a demonstration of sufficient storage capacity or alternative arrangements, if there is reduced or no demand for reclaimed water by end users served by the reclaimed water facility.
 - p. Sample analysis plan pursuant to Section 15.607.C.8.e requirements.
 - q. Operation and maintenance manual pursuant to Section 15.607.C.16 requirements.
 - r. A statement from the engineer that the facility was designed to meet the requirements of this chapter. All applications shall include signatory and certification requirements prescribed under Section 15.627.
3. Permit contents. Where appropriate, permits shall provide citation references to the applicable sections of this chapter that authorize the permit conditions. A wastewater treatment facility permit shall include, but not be limited to, the following items:
- a. Cover sheet. Front page that includes permit authorizations and Department signatures.

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- b. Permittee information. A section which includes the contact information of the applicant; the permitted facility; and facility operator. This section also includes a facility site description.
- c. Facility-specific permit conditions, as applicable, which shall address the requirements specifically for the facility including, but not limited to:
 - 1. Minimum treatment technology;
 - 2. Effluent disposal methods and prohibitions;
 - 3. Required qualified and/or certified personnel;
 - 4. Performance requirements and water quality effluent limits;
 - 5. Monitoring requirements including quality assurance, reporting of monitoring results, and recordkeeping;
 - 6. Groundwater monitoring requirements;
 - 7. Reclaimed water distribution requirements;
 - 8. Sludge management requirements;
 - 9. Specific requirements for receiving and treating septage;
 - 10. Any limitations to operation;
 - 11. Facility operation, inspection, maintenance and operations log books;
 - 12. Sewer requirements;
 - 13. Bypass and unauthorized discharges;
 - 14. Pretreatment;
 - 15. Minor and major system failures;
 - 16. Upset;
 - 17. Waivers and variances;
 - 18. Emergency response;
 - 19. Specific land use authorization requirements or restrictions; and

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20. Any additional or special conditions, including, but not limited to, water quality limits (mass and/or concentration), or other requirements and restrictions.
 - d. General permit conditions. This section to include, but not be limited to:
 1. General provisions; and
 2. Inspection and entry provisions.
 - e. Permit actions. A section containing requirements for permit opening, revision, and renewal.
 - f. Notification Requirements. A section of the permit containing requirements for providing notices to the Department including twenty-four hour notifications, permittee information changes, facility modification notice, and anticipated noncompliance.
 - g. Administrative record. A section which includes a listing of materials on file at the Department that contains information relevant to the particular permit.
 - h. Reporting Requirements. The permittee will be required to report compliance monitoring results to the Department. The Department may provide self-monitoring report forms designed specifically for the permitted centralized wastewater treatment facility as an attachment to the permit or require the use of data management software to generate reports. Reporting shall also include reporting deadlines, records retention, signatures and certifications, and use of reported information.
 - i. Compliance schedules.
4. Permits duration. All centralized wastewater treatment facility permits issued by the Department shall be valid for the operational life of the facility unless revised and reissued pursuant to Section 15.617.B.

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15.608. Decentralized Wastewater Treatment Systems - Individual Permits.

A. **Applicability.** This section is applicable to all decentralized wastewater treatment systems that:

1. Have a design flow of greater than 3,000 gallons per day of domestic wastewater; or
2. Have influent that contains any quantity of commercial wastewater.

B. **General Provisions.**

1. A Department issued individual permit is required for construction/installation and operation of a decentralized wastewater treatment system.
2. If a person installed or constructed the decentralized wastewater treatment system before the effective date, an application for a permit shall be submitted for the system within 90 calendar days of the effective date. Permit requirements for an existing treatment system shall be prepared on a case-by-case basis and may or may not include all of the requirements of the section.
3. The performance requirements for effluent from a decentralized wastewater treatment system shall be determined by the Department on a case-by-case basis and shall be protective of groundwater, surface water, and the environment.
4. A permittee of a decentralized wastewater treatment system pursuant to this section shall ensure that the decentralized wastewater treatment system, including the operators of the system, meets the following requirements:
 - a. Be designed by a licensed professional engineer if engineering design is required.
 - b. Be required to implement pretreatment, advanced treatment processes, or other methods if needed to meet permit requirements. Unless authorized by the Department, stabilization pond systems may not be used.
 - c. Be operated by a person with proper training and certifications appropriate for the system.
 - d. Be constructed or installed by a licensed contractor.
 - e. Be designed to meet all applicable groundwater quality standards adopted by the Community.
 - f. Be designed to reduce seepage as much as technically practical and economically feasible from all treatment system components and infrastructure using the best available and demonstrated (on an industry-

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wide basis) technology for liners, vessels, and containment barriers available at the time of system design. The Department shall use best professional judgment in determining what is practical and feasible. At no time shall untreated or partially treated wastewater contact native soils.

- g. Be designed to prevent spills or overflows.
 - h. Maintain at all times fences, walls, gates, locks, and other forms of barriers and devices to prohibit unauthorized access.
 - i. Be operated in a manner consistent with industry standards and practices for the type of treatment system used.
 - j. Not bypass or release untreated or partially treated wastewater that has not completed the treatment process.
 - k. Develop a sample analysis plan for any monitoring required under the permit. The plan shall include the minimum elements pursuant to Section 15.607.C.8.e.1-17. At the discretion of the Department, the sampling plan may require Department approval.
 - l. Maintain an operation and maintenance manual and update the manual as needed. The operation and maintenance manual shall be available to the Department upon request.
- 5. A person shall not create or maintain a connection between any part of a decentralized wastewater treatment system and a potable water supply such that wastewater, treated wastewater, or reclaimed water contaminates a potable water supply.
 - 6. The permittee shall act immediately to correct any condition resulting from spills, overflows, or an otherwise unauthorized release of any substance from the treatment system.
 - 7. All decentralized wastewater treatment systems shall be designed and operated such that it does not emit an offensive odor on a persistent basis beyond 200 feet of the treatment system components.
 - 8. If disinfection is required, the Department shall determine the requirements on a case-by-case basis. The Department may require the minimization of disinfection by-products (e.g., trihalomethane compounds) by using ultraviolet, ozone, or other demonstrated technologies.
 - 9. If a minor system failure occurs at a decentralized wastewater treatment system but the failure does not cause circumstances of noncompliance with the terms and conditions of the systems permit, the permittee may continue to operate pursuant

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to the permit.

10. In the event of a major system failure, the permittee shall immediately implement its contingency procedures and cease the distribution of any reclaimed water to any applicable end users.
11. Unless alternative locations are specified pursuant to a permit, wastewater treatment performance requirements and water quality limits shall be met at the point of compliance after all water treatment and prior to discharge.
12. Unless approved by the Department, a decentralized wastewater treatment system shall not exceed a design flow of 100,000 gallons per day.
13. At the discretion of the Department, public notice and comment pursuant to Section 15.628 may be required when issuing or revising a decentralized wastewater treatment system.
14. At the discretion of the Department, a permittee of a decentralized wastewater treatment system may be required to submit an application for a groundwater discharge permit pursuant to applicable Community laws.

C. Use and Distribution.

1. Uses.
 - a. On a case-by-case basis, the Department may allow uses of reclaimed water from a decentralized wastewater treatment system. The Department shall use Sections 15.605 and 15.606 as a guide in determining specific treatment and other requirements for reuse applications.
 - b. A decentralized wastewater treatment system permit shall include the terms and conditions of any approved reuse or other authorized uses.
 - c. Any uses of reclaimed water shall comply with Sections 15.611, 15.612, and 15.614 requirements.
2. Distribution of Reclaimed Water.
 - a. Unless authorized by the permit, a permittee of a decentralized wastewater treatment system shall not distribute reclaimed water.
 - b. A decentralized wastewater treatment system permit shall include the terms and conditions of any approved distribution of reclaimed water.

D. Permitting Process for Decentralized Wastewater Treatment Systems.

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1. Permitting process.
 - a. Prospective applicants are encouraged to meet with the Department prior to submission of an application to discuss the application procedure and anticipated application requirements.
 - b. A person that desires to use a new or existing decentralized wastewater treatment system shall apply for an individual permit using a standard permit application form provided by the Department. An application for a new system may require a land use authorization.
 - c. Upon submission of all information required in the application pursuant to Section 15.608.D.2, the Department shall evaluate the permit application for completeness. Within 60 calendar days of submission of an application, the Department shall notify the applicant in writing that the application is complete or incomplete and whether additional information is required. If additional information is required, the Department will notify the applicant in writing. The Department shall not process an application until it is determined to be complete.
 - d. Within 60 calendar days of receipt of a completed application, the Department shall perform a technical review of the submitted documents and make a determination as to eligibility to receive a permit. During the technical review the Department may request changes to the design if appropriate or request additional information. As part of the technical review, the Department may require public notice and comment pursuant to Section 15.628.
 - e. Upon determination by the Department that the applicant is eligible for a permit, the Department shall issue a Letter of Permit Eligibility. The applicant may commence construction/installation on a system upon receipt of a Letter of Permit Eligibility.
 - f. The applicant for a new system shall submit the permit development fee to the Department pursuant to Section 15.625.F. Within 90 calendar days from receipt of the fee, the Department shall prepare a draft permit and provide the applicant with a copy for review and comment. The permit may include the completion of specific requirements over a period of time that shall be implemented through a compliance schedule.
 - g. Upon completion of construction and before operating the system, the applicant shall submit a Certificate of Completion form (available from the Department) to the Department that confirms that the system was constructed according to the engineer's design or manufactures specifications. The Department may inspect the system for conformance with the Certificate of Completion. Upon approval of a Certificate of

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Completion form, the Department shall issue the final permit. The applicant may commence operation of the system once in possession of a final signed permit.

- h. If the Department denies issuance of a new decentralized wastewater treatment system permit, the Department shall provide the applicant with written notification that explains the specific reason for the denial and the applicant's right to appeal the denial pursuant to Section 15.622. After issuance of a Letter of Permit Eligibility under Section 15.608.D.1.e, the Department may only deny the permit if the applicant is found to have provided false or misleading information in its application.
- 2. Applications. All applications for a decentralized wastewater treatment system individual permit filed with the Department under this chapter shall include, but not be limited to, the following information on a standard application form provided by the Department:
 - a. Applicant contact information including the name, phone number, and address of the system owner and operator;
 - b. Legal description of the location of the system;
 - c. Map of the proposed location and contiguous land area showing property lines and existing or proposed structures;
 - d. A signed, dated and stamped professional engineer design report containing the information required under Section 15.607.D.2.e;
 - e. Signed, dated, and stamped professional engineer plans and specifications.
 - f. A detailed description of the system, including diagrams and figures that demonstrate the design will meet Section 15.608.B.4.f requirements;
 - g. A detailed description of the system treatment processes, including calculations;
 - h. A description of the decentralized sanitary sewer;
 - i. Influent and effluent wastewater characterization, including expected quantity and quality;
 - j. If applicable, a detailed reclaimed water utilization plan that describes the methods and infrastructures that will be used to manage reclaimed water;
 - k. A description of the system startup plan, including preoperational testing and monitoring requirements during startup;

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- l. Sludge management;
 - m. Standby power sources, if applicable;
 - n. Waivers and variance requests;
 - o. A description of the startup plan;
 - p. Contingency procedures; and
 - q. Signatory and certification requirements prescribed under Section 15.627.
3. A decentralized wastewater treatment system individual permit shall include, but not be limited to, the following items:
- a. Permit authorizations and Department signatures.
 - b. Background information. A section including contact information of the applicant; the permitted system; system operator; and effective date and the expiration date of the permit.
 - c. System-specific permit conditions as applicable. A section describing the requirements specifically for the system including, but not limited to:
 1. Minimum treatment technology;
 2. Required qualified and/or certified personnel;
 3. Monitoring requirements;
 4. Authorized reuse;
 5. Reclaimed water distribution requirements;
 6. Specific land use authorization requirements or restrictions; and
 7. Any additional or special conditions, including, but not limited to, water quality limits, pretreatment requirements, or other requirements and restrictions.
 - d. Permit general conditions. A section describing:
 1. General provisions;
 2. Inspection and entry provisions;

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3. Monitoring instructions, including quality assurance, reporting of monitoring results, and recordkeeping; and
4. Operational requirements.
 - e. Permit actions. A section of the permit containing requirements for permit revision, renewal, and transfer.
 - f. Reporting and notification requirements. A section of the permit containing requirements for submitting information to the Department, including providing notices.
 - g. Administrative record. A listing of materials on file at the Department that contains information relevant to the particular permit.
 - h. Self-monitoring report forms. The format that the permittee will be required to report compliance monitoring results to the Department. The Department may provide self-monitoring report forms designed specifically for the permitted system.
 - i. Opener clause. An opener clause that notifies the permittee that the permit may be opened and revised based upon newly available information; to add conditions, requirements, or water quality limits; or to implement water quality requirements adopted under Community or federal law.
 - j. Compliance schedule.
4. Permit Duration and Transferability.
 - a. A decentralized wastewater treatment system permit is valid for ten years and may be renewed pursuant to the requirements of Section 15.617.A.
 - b. A decentralized wastewater treatment system permit is transferable upon approval by the Department pursuant to Section 15.617.C.

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15.609. (RESERVED) Decentralized Wastewater Treatment Systems - General Permits

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15.610. Importation.

A. Applicability.

1. The requirements of this section prescribe the only lawful means of importing wastewater, treated wastewater, or reclaimed water into the Reservation.
2. This chapter shall not modify or alter the duties and obligations of the parties to any of the agreements identified in Sections 15.610.D or F. Any issues arising under those prior agreements shall be resolved pursuant to the terms of each applicable agreement.
3. Importation and disposal of recreational vehicle septage is authorized under this chapter. Septage from a recreational vehicle is excluded from the requirements under Sections 15.610.B through 15.610.F.
4. Tank septage and toilet septage shall not be imported into the Reservation for disposal, unless explicitly approved in writing by the Department. If authorized, the Department shall prepare the terms and conditions on a case-by-case basis in coordination with the permittee of the receiving facility.
5. This section is not applicable to untreated or treated wastewater or septage that is transported through the Reservation and is not disposed within the Reservation.

B. Importation General Requirements.

1. No person shall import or cause to be imported wastewater, treated wastewater, or reclaimed water into the Reservation except as expressly authorized pursuant to an agreement. Such an agreement shall be lawful only if authorized by an approved Community Council resolution.
2. Once delivered within the external boundaries of the Reservation, the requirements set under this chapter shall be applicable.
3. In order to be considered reclaimed water and suitable for reuse or other authorized uses (e.g., discharge to a surface water or groundwater recharge) the imported reclaimed water shall be equivalent to Category I or II pursuant to Section 15.605.B or C, respectively. The Department shall determine equivalency through an equivalence determination.
4. The Department shall issue an equivalence determination pursuant to Section 15.610.E before imported reclaimed water can be distributed by a reclaimed water distributor.
5. If an importation agreement allows for temporary water quality excursions, while efforts are made to re-establish reclaimed water quality attainment, the reclaimed

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water distributor shall be responsible for choosing an appropriate interim course of action that is appropriately protective of both the Community and the applicable end user(s). Appropriate interim courses of action may include, but are not limited to, the following:

- a. Suspension of reclaimed water delivery until the quality of the reclaimed water once again supports the reuse activities of the receiving end users; or
- b. Depending on best professional judgment, continue deliveries of the reclaimed water to the end user with sufficient safeguards to assure that public health and the environment are protected.

C. Requirements for New Importation Agreements.

1. Each new importation agreement shall contain, at a minimum, the following:
 - a. A legal description of the point of delivery;
 - b. The terms, conditions, and criteria, including, but not limited to:
 1. Operational conditions of the importation (e.g., delivery volumes and schedules);
 2. Water quality requirements and terms and conditions for suspending deliveries;
 3. Specific conditions;
 4. Reporting of any applicable industrial pretreatment requirements;
 5. Identification of the reclaimed water distributor(s);
 6. Reporting requirements to the reclaimed water distributor and the Department;
 7. Procedures for resolving noncompliance issues; and
 8. The terms and methods for suspending or stopping deliveries at the point of delivery.

D. Existing Importation Agreements.

1. The following existing importation agreements are incorporated by reference:
 - a. Chandler Delivery Agreement; and

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- b. Mesa Delivery Agreement;
2. The Department shall develop and administer an equivalence determination pursuant to the requirements set forth under Section 15.610.E for reclaimed water imported under each existing importation agreement.
- E. Importation Equivalence Determinations.**
1. An equivalence determination shall be a Department generated document that provides a classification equivalent to the wastewater treatment of Section 15.605 for the reclaimed water that is imported into the Reservation under an importation agreement.
 2. Each equivalence determination shall specify the approved uses, including any reuse activities that are authorized and deemed appropriate.
 3. An equivalence determination shall disclose the rationale and basis for the Department's decisions that are stated in an equivalence determination.
 4. Once developed, an equivalence determination shall be issued by the Department to all reclaimed water distributors associated with a particular existing importation agreement.
 5. It shall be unlawful to use imported reclaimed water in a manner that is inconsistent with the equivalence determination.
 6. In order to ensure on-going compliance with an equivalence determination, the Department shall receive copies of all documents and reports pertaining to water quality compliance of an importation agreement.
- F. Leases: City of Chandler - Lease No. B-GR-150.**
1. The December 16, 1981 lease (number B-GR-150) and amendments shall be used for determining compliance for the City of Chandler Lone Butte Wastewater Treatment Facility. Any water quality problems that arise shall be resolved pursuant to the terms and conditions of the lease and amendments.
 2. Any distribution of City of Chandler Lone Butte facility reclaimed water shall comply with the distributor requirements of Section 15.613 and the distribution requirements of Section 15.614.
 3. Storage of City of Chandler Lone Butte facility reclaimed water in a distributor impoundment or end user impoundment shall have appropriately restrictive fences, gates, and locks to prohibit unauthorized access to the impoundment and shall be maintained at all times. The impoundment shall have Purple Advisory

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Signs placed at clearly visible locations adjacent to the impoundment and on each side of the impoundment.

4. The distributor of stored City of Chandler Lone Butte facility reclaimed water is not required to retest or re-disinfect the stored waters before distribution for reuse.
5. Reuse.
 - a. All reuse shall be classified as blended reuse. The acceptable types of reuse for reclaimed water from the City of Chandler Lone Butte facility is as follows:
 1. Agricultural Reuse - Irrigation of fiber, seed, forage, and similar crops; and
 2. Others on a case-by-case basis as authorized by the Department.
 - b. Any reuse shall be conducted under a reuse permit authorized under Section 15.612. The permit shall specify requirements on a case-by-case basis. At a minimum, the permit shall require:
 1. Purple Advisory Signs to be placed where the public may come in contact with open conveyances (e.g., such as at road crossings); and
 2. Place Purple Advisory Signs every 300 feet along the cultivated crop edge when within 500 feet of residential dwellings.
 - c. Reuse shall require an agreement pursuant to Section 15.612.C.

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15.611. Reuse of Reclaimed Water.

- A. Reuse shall only be conducted if authorized by this chapter.
- B. If the use of reclaimed water is non-blended reuse, the reclaimed water shall meet Category I or II pursuant to Section 15.605.B or C respectively.
- C. Reuse shall be governed by permits and agreements authorized under Section 15.612.
- D. The following activities or uses of reclaimed water are strictly prohibited:
 1. Direct human consumption or use in the preparation of food or for drinking; and
 2. Swimming or other full or partial immersion activities with a potential for oral ingestion.
- E. It shall be unlawful to reuse reclaimed water for any purpose not specifically described in Table 2 without prior written approval from the Department.
- F. Agricultural reuse is not authorized in a residential setting.
- G. If reclaimed water will not be directly used for reuse after treatment, but will be stored for reuse at a later date (e.g., seasonal reuse), the reclaimed water may be required to be retested for fecal coliform at the time the reclaimed water is distributed to an end user. Additional disinfection may be required to meet reuse requirements. Specific requirements shall be determined on a case-by-case basis pursuant to the facility permit.
- H. A person may submit a written request for Department approval to use reclaimed water for a purpose not specifically described in Table 2. Such a written request shall only be deemed complete by the Department when the Department has sufficient information regarding the nature of the proposed reuse activity and its potential impact to human health and the environment. In this regard, the person making such a request may be responsible for submitting credible documentation that delineates the potential impact to human health and the environment from the proposed reuse activity. For the purposes of this subsection, credible documentation may include, but not be limited to: published studies, results from pilot projects, risk assessments, certified written statements from licensed professional engineers, licensed public health professionals, or toxicological experts. Once the Department has sufficient information on which to base a decision and determines the written request is complete, the Department may issue a written decision in response to the request. The Department shall, using its best professional judgment, consider factors such as the following:
 1. The risk to human health;
 2. The degree of public access to the location where the reclaimed water would be used and human exposure to the reclaimed water;

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3. The level of treatment necessary to ensure that the reclaimed water is aesthetically acceptable;
4. The level of treatment necessary to prevent nuisance conditions;
5. Specific water quality requirements for the intended type of end use;
6. The means of application of the reclaimed water;
7. The potential for improper or unintended use of the reclaimed water;
8. Potential impact on ground water and surface water;
9. Reuse guidelines, criteria, or standards adopted or recommended by the U.S. EPA or other government agencies that apply to the type of reuse; and
10. Similar reclaimed water experience in other jurisdictions.

I. On a case-by-case basis, the Department may authorize industrial reuse of reclaimed water. The Department shall use best professional judgment to determine requirements needed to protect public health, worker health, and the environment for the specific industrial reuse activity being proposed.

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15.612. End User Requirements for Reuse.

A. Applicability and General Provisions.

1. This section is applicable to all persons who use reclaimed water for non-blended or blended reuse.
2. It shall be unlawful for an end user to use reclaimed water unless a reuse permit has been issued to the end user by the Department prior to conducting the reuse activity.
3. The Department may require an agreement as a part of the reuse permit.
4. A reuse permit shall only be issued for an approved use of reclaimed water as set forth in Table 2 or as otherwise approved by the Department pursuant to Section 15.611.H.
5. Purple Advisory Signs and notices shall be prominently displayed at all times pursuant to Table 3. These signs shall be maintained such that the signs are always readable.
6. The end user shall comply with all reclaimed water distribution requirements prescribed under Section 15.614.
7. Upon receiving a reuse permit, an end user shall comply with all the provisions and requirements of the permit.
8. The reuse permit shall authorize the combined set of the following four variables. Once a reuse permit has been issued by the Department, any deviation of the variables shall warrant the need for a permit modification.
 - a. An end user (the applicant);
 - b. A single approved reuse activity pursuant to Table 2;
 - c. Reuse location(s); and
 - d. A change from non-blended to blended reuse or the category of reclaimed water changes for non-blended reuse.
9. A reuse permit application filed with the Department by the end user shall include, but not be limited to, the following:
 - a. Applicant contact information including name, mailing address, and phone number;

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- b. Proposed reuse activity pursuant to Table 2;
 - c. Description of reuse;
 - d. Location(s) of reuse with map if appropriate;
 - e. Name of reclaimed water distributor;
 - f. Description of local distribution system that will supply the reclaimed water;
 - g. Type of reuse (i.e., non-blended or blended)
 - h. Category of reclaimed water to be used if non-blended reuse;
 - i. End user agreement pursuant to Section 15.612.C if required by the Department; and
 - j. End user signatures and certifications pursuant to Section 15.627.
10. All agricultural reuse permits shall not expire, but may be terminated upon either the written request of the end user or as the result of an enforcement action under Section 15.620. Reuse permits may be opened, revised and reissued pursuant to Section 15.617.
 11. All diversified and industrial reuse permits shall be issued for a length of time as determined by the Department on a case-by-case basis, but not to exceed a duration of five years. Diversified and industrial reuse permits may be renewed.
 12. All reuse certificates issued by the Department prior to the effective date shall be reissued as Department permits pursuant to the requirements of this chapter.
 13. A reuse permit issued by the Department is not transferable.
 14. Unless required by the Department, reuse permits and agreements are not required to undergo public notice or comment pursuant to Section 15.628.
 15. The requirements for blended reuse may be more restrictive than for non-blended reuse. Any additional requirements shall be determined on a case-by-case basis and shall be based on the quality of the blended water.
 16. An end user using blended reclaimed water may be required to provide a greater level of liability and indemnification in the end user agreement. If the Department determines the quality of blended reclaimed water is not suitable for a reuse activity (e.g., on edible crops) the Department may deny a request for a new reuse permit or repeal an existing reuse permit.

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B. Reuse Permitting Process.

1. A person desiring to obtain an agricultural, diversified, or industrial reuse permit shall complete a reuse application developed by the Department. The application includes required information from both the end user and reclaimed water distributor. The application shall be signed and certified by both the end user and the reclaimed water distributor pursuant to Section 15.627.
2. For diversified and industrial reuse, an application fee shall be submitted with the application.
3. The Department shall evaluate the reuse permit application for completeness. As needed, the Department shall request additional information from the applicant to complete an application. The Department shall not process an application until it is determined to be complete.
4. The Department shall review the application and determine if an end user agreement is required according to Section 15.612.C. If an agreement is not required, the Department may proceed with processing the permit. If an agreement is required, the Department shall only issue a permit to the end user upon completion of a fully executed agreement with the Community.
5. Upon review of the application and a finding that the reuse will meet all requirements of this chapter, the Department shall issue a permit if it is in the best interest of the Community.
6. The Department may deny issuance of a reuse permit for any of the following reasons:
 - a. The Department determines that the proposed reuse activity is inconsistent with the approved reuse activities and/or reuse requirements of this chapter;
 - b. The applicant has a prior history of noncompliance with this chapter;
 - c. The applicant provided false or misleading information; and
 - d. The Department determines that the reuse activity has the potential to cause or will cause endangerment to public health or the environment. This determination shall be based on information submitted in the application or any relevant information that is developed or acquired by the Department.
7. If the Department denies issuance of a reuse permit, the Department shall provide the applicant with written notification by certified mail that explains the specific

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reason(s) for the denial and the applicant's right to appeal the denial pursuant to Section 15.622.

C. **End User Agreements.**

1. General Requirements.

- a. End user agreements may be required by the Department. Table 1 shall be used as a guide in determining if an agreement is required or is at the Department's discretion.
- b. If an agreement is required, a fully executed agreement shall be received by the Department before issuing a reuse permit.
- c. A reclaimed water distributor may be required to add specific terms and conditions to the agreement in order for the agreement to be deemed complete and to meet Department requirements. On a case-by-case basis the reclaimed water distributor may be required to be a cosigner of the agreement.
- d. Nothing in this chapter shall preclude the reclaimed water distributor from establishing an agreement with an end user if the Department does not require an agreement.

2. Requirements for end user agreements. An end user agreement shall contain, but not be limited, to the following:

- a. Contact information;
- b. Description of reuse including:
 1. Type of reuse (i.e., non-blended or blended) and category of reclaimed water if the reuse is non-blended;
 2. The end user's intended reuse activity type (e.g., agricultural, diversified, or industrial); and
 3. A description of each of the end user's specific reuse activities and reuse methods;
- c. Point of delivery details;
- d. Reuse site description: The end user agreement shall provide a description of the reuse site including the following:
 1. Narrative description of the general reuse site location;

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2. Maps that illustrate the location of the reuse site(s); and
 3. A general narrative description of the end user's reuse system and/or facility;
- e. Any specific requirements of the reclaimed water distributor including any requirements and procedures to manage any water quality excursions of an importation agreement;
 - f. Any specific requirements of the end user;
 - g. Any general or specific requirements of the Department;
 - h. Authorizing signatures and certifications pursuant to Section 15.627; and
 - i. Acknowledgment of the end user's responsibility, liability, and indemnification.

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15.613. Reclaimed Water Distributor Requirements.

A. **Applicability.** This section is applicable to all persons who distribute reclaimed water to end users. Unless otherwise authorized by the Department, a reclaimed water distributor shall only be a Community department or Community entity.

B. Duty to Comply - General Permit.

1. A reclaimed water distributor is authorized to distribute reclaimed water pursuant to a general permit.
2. Notice is not required to be submitted to the Department for coverage under the general permit for distributors that are classified as a Community department or entity. A non-Community department or entity shall submit notice of the intent to distribute under the general permit and receive Department approval.
3. All distributors shall meet the general permit requirements of Section 15.613.C below.

C. General Permit Requirements.

1. If the end user is permitted for non-blended reuse, the distributor shall only distribute reclaimed water that meets the reclaimed water standards of Section 15.605 and/or 15.610.
2. A reclaimed water distributor shall comply with all requirements for cross-connection control, open conveyances, and pipeline conveyances under Section 15.614 and any signage and notification requirements of Table 3.
3. Distribution of reclaimed water to end users.
 - a. Upon Department issuance of a reuse permit to an end user, the Department shall provide a copy of the reuse permit to the reclaimed water distributor. A reclaimed water distributor shall not distribute reclaimed water to an end user until the reclaimed water distributor is in possession of a copy of the approved reuse permit issued by the Department.
 - b. If a reclaimed water distributor is distributing reclaimed water that is under an importation agreement pursuant to Section 15.610 or an end user agreement pursuant to Section 15.612.C, and a water quality excursion occurs, the reclaimed water distributor shall be required to implement any applicable procedures pursuant to the relevant agreement.
 - c. If the Department determines an end user is violating the terms and conditions of a reuse permit, agreement, or provisions of this chapter and suspends or terminates a reuse permit, the reclaimed water distributor shall

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suspend deliveries of reclaimed water to the end user upon notice from the Department.

- d. Upon request by the Department, a distributor shall provide the Department with a list of all end users receiving reclaimed water.
4. If a reclaimed water distributor will be distributing reclaimed water for recharge, discharge to a surface water, or other authorized use, the distributor shall not distribute any water until all Department permits have been finalized and the distributor has received written authorization from the Department.
5. Combining two or more reclaimed waters. If reclaimed water is added to an open conveyance or pipeline conveyance containing another reclaimed water of a different categorical treatment level, the resulting mixture shall be classified as being equal in quality to the categorical treatment level of the least reclaimed water in the mixture.
6. Unless otherwise authorized by the Department, the source of reclaimed water to make a blend shall only originate from an importation agreement or a centralized wastewater treatment facility.
7. For the purposes of this section, the act of blending shall not constitute additional treatment.
8. Reuse by the distributor. Upon obtaining a reuse permit from the Department, a reclaimed water distributor may reuse reclaimed water from its distribution system for appropriate uses as set forth in Table 2. Such reuse shall comply with the reuse general requirements of Section 15.611, the reclaimed water distribution requirements of Section 15.614, and signage and notification requirements pursuant to Table 3.

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15.614. Reclaimed Water Distribution Requirements.

A. Applicability.

1. This section is applicable to all end users and distributors who use open conveyances (e.g., canals or impoundments) or pipeline conveyances to transport reclaimed water.
2. Below ground pipelines constructed by the Pima Maricopa Irrigation Project that are used by distributors to transport Category I reclaimed water or better, are exempt from the requirements of Section 15.614.D.3.a; however, if stakes are used to mark the pipeline, the stakes shall not be blue in color or have any markings or labeling depicting it as potable water.

B. Cross-Connection Control Requirements – General Requirements.

1. No cross-connections between reclaimed water systems and potable water systems shall be allowed at any time and is strictly enforced.
2. If an open conveyance of reclaimed water is supplemented by a pipeline containing a non-reclaimed water source, the pipeline and open conveyance shall be separated with an air gap at all times.
3. If a pipeline containing reclaimed water is supplemented with a non-reclaimed water source (e.g., groundwater from a well), a device shall be installed (or a methodology employed) between the two water sources such that reclaimed water does not contaminate the non-reclaimed water source.
4. A person installing a reclaimed water pipeline system in an area where potable water pipelines exist shall consult with the local potable water service provider(s) regarding any specific requirements or measures that may be necessary to prevent contamination of their drinking water system.

C. Open Conveyances.

1. A reclaimed water distributor or end user may use an open conveyance for the transport and storage of reclaimed water provided that the distributor or end user:
 - a. Installs Purple Advisory Signs in accordance with the requirements of Table 3, so the public is informed that reclaimed water is in use and that drinking and/or swimming restrictions apply. Purple Advisory Signs shall be maintained and legible at all times; and
 - b. Maintains the open conveyance's structural integrity and operational capacity to prevent the unintended release of reclaimed water. The

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maintenance program shall include periodic inspections and follow-up corrective measures.

2. An open conveyance is not required to have a liner (e.g., synthetic or concrete).
3. Open conveyances used in conjunction with recharge through land applications shall require signage that is appropriate for the use and the public exposure.
4. It shall be unlawful to construct and operate a distributor impoundment or end user impoundment for the intended purpose of recharge unless specifically authorized by the Department.
5. A distributor or end user using an impoundment with Category II reclaimed water or Category I or II reclaimed water blended with non-reclaimed water(s) may be required to limit water-based recreation activities (e.g., boating and fishing). Any restrictions shall be placed in the impoundment permit.
6. Impoundment permits. A permit to construct a new end user impoundment is required by the Department. The permit process is as follows:
 - a. A person proposing to construct a new end user impoundment shall apply for an individual permit using a standard permit application form provided by the Department. An application may require a land use authorization, a contingency plan, and meet other Department requirements.
 - b. Depending on the size and complexity of the end user impoundment, the design documents may be required to be signed, dated, and sealed by a licensed professional engineer. This decision shall be made by the Department on a case-by-case basis.
 - c. Permits for end user impoundments may require, at the discretion of the Department, public notice and comment pursuant to Section 15.628.
 - d. Within 45 calendar days of the Department's receipt of final design documents, the Department shall review the submitted documents and make one of the following determinations:
 1. The end user impoundment is not approvable as proposed;
 2. Deficiencies or additional information is required and requested of the applicant; or
 3. The applicant is eligible for a permit.
 - e. Upon notification of eligibility for a permit, the applicant shall submit the permit development fee pursuant to the requirements of Section 15.625.F.

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- f. Within 60 calendar days of notification of permit eligibility and submittal of the permit development fee, the Department shall issue a permit.
 - g. The applicant may commence construction activities once in possession of the Department permit and has met all other Community requirements or approvals.
 - h. If a licensed professional engineer designed the end user impoundment, upon completion of construction, the permittee shall submit an Engineer's Certificate of Completion form (available from the Department) to the Department that confirms that the impoundments were constructed according to the engineer's design.
 - i. An end user impoundment permit is transferable and does not expire.
7. At the discretion of the Department, a distributor impoundment or end user impoundment located within 1,000 feet of a residential dwelling may be required to install a restrictive fence to prohibit unauthorized access to the impoundment.

D. Pipeline Conveyances.

- 1. Upon Department authorization, a pipeline conveyance constructed before February 12, 2008 may be used to transport reclaimed water contingent upon the following:
 - a. Any repairs to or replacement of any portion of such pipeline shall be in accordance with the requirements of this section;
 - b. All pipeline appurtenances shall meet the requirements of Section 15.614.E; and
 - c. All cross-connection requirements of Section 15.614.B are met.
- 2. A reclaimed water pipeline conveyance system shall be designed and constructed using industry standards of practice and good engineering judgment so that system structural integrity is maintained.
- 3. All below ground or above ground reclaimed water pipeline conveyances constructed after February 12, 2008 shall comply with the following requirements:
 - a. Below ground pipelines.
 - 1. If a below ground pipeline is marked on the land surface with stakes, the stakes shall be purple in color or labeled to identify it as a reclaimed water system. At no time shall a stake identifying a

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reclaimed water system be blue in color or have any labeling depicting it as potable water.

2. Housings, covers, and other protective devices and structures that are not directly connected to the below ground pipeline are not required to be labeled or be in the color purple. Housings, covers, and other devices and structures related to a reclaimed water system, if painted, shall not be painted blue or have any labeling depicting it as potable water.

3. A pipeline installed below ground shall be marked as follows:

a. Color coded purple using light-stable colorants; or

b. Use durable purple colored plastic sleeves; or

c. If less than eight inches, completely wrapped with durable utility warning tape color coded purple and bearing in English the statement "Caution: Reclaimed Water—Do Not Drink." The text on the tape shall be repeated at spacing intervals of five feet or less; or

d. If greater than eight inches, durable utility warning tape shall be affixed along the top of the pipe for the entire length of pipeline. The marking tape shall be color coded purple and state in English "Caution: Reclaimed Water—Do Not Drink." The text on the marking tape shall be repeated at spacing intervals of five feet or less.

b. Above ground pipelines.

1. All above ground portions of a reclaimed water pipeline conveyance associated with agricultural reuse shall be purple in color or labeled to identify its contents as "reclaimed water." Any labeling or stenciling shall be done in colors and frequencies such that a person is informed of the pipeline contents at any location along the pipeline.

2. All above ground portions of a reclaimed water pipeline conveyance associated with diversified or industrial reuse shall be purple in color to identify its contents as "reclaimed water."

3. A person installing an above ground pipeline that is portable and used on a temporary basis (e.g., pipes related to a mobile trash pump) are not required to be purple in color or be labeled, but are required to display Purple Advisory Sign(s) near the pipeline.

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4. Any location at which reclaimed water is, or could be, released to the atmosphere from a pipeline conveyance system shall have a Purple Advisory Sign(s) installed at the location or on the equipment.
5. Housings, covers, and other protective devices and structures that are not directly connected to the above ground pipeline are not required to be labeled or be in the color purple. Housings, covers, and other devices and structures related to a reclaimed water system, if painted, shall not be painted blue or have any labeling depicting it as potable water.

E. Pipeline Appurtenances.

1. If a hose bib is used on pipelines containing reclaimed water, the hose bib shall be a keyed hose bib. All hose bibs shall also have a Purple Advisory Sign or notice stating “No Drinking”.
2. If reclaimed water is used in a diversified or industrial reuse setting the pipeline appurtenances shall be color coded purple. Waivers and variances to this requirement shall be determined by the Department on a case-by-case basis and implemented through the diversified or industrial reuse permit.
3. At no time shall an appurtenance, which is part of a reclaimed water system, be colored blue.

F. Mobile Tank Trucks Transporting Reclaimed Water.

1. Mobile tank trucks may be used to transport and distribute reclaimed water only if the following requirements are met:
 - a. The tank has been evacuated and properly cleaned prior to the addition of the reclaimed water;
 - b. Signage or notification requirements pursuant to Table 3 are displayed on the tank;
 - c. The tank is not used for potable water use.

G. Setbacks.

1. A minimum of 500 feet of horizontal separation shall be maintained between a potable water supply well and an unlined impoundment containing reclaimed water.

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2. If a Department approved liner is used for an impoundment containing reclaimed water, the horizontal setback distance is reduced to 100 feet of separation.

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15.615. Wastewater Storage Vaults.

A. Applicability.

1. This section is applicable to all persons who desire to construct or install a wastewater storage vault and temporarily store disposed domestic and/or commercial wastewater or septage in the vault.
2. If required, the Department shall determine whether the storage device is a wastewater storage vault or a portable waste holding tank.
3. All new wastewater storage vaults shall receive a permit issued by the Department before commencement of construction or installation of the wastewater storage vault.
4. If a person installed or constructed a vault before the effective date, that person shall submit an application for a permit within 90 calendar days of the effective date. A permit for an existing vault shall be prepared on a case-by-case basis and may or may not include all of the requirements of the section as determined by the Department.

B. General Provisions.

1. Wastewater storage vaults shall only be installed where other disposal methods are impractical.
2. Depending on the size and complexity of a wastewater storage vault, an applicant may be required to submit an application for a permit pursuant to applicable Community groundwater protection laws.
3. A wastewater storage vault shall be designed to minimize seepage and control odors using the best available and demonstrated technology available at the time of facility design.
4. A permittee of a wastewater storage vault shall ensure that all collection, storage, and removal activities are conducted in a manner that does not endanger public health or creates a nuisance.
5. Unless the unit is pre-engineered, wastewater storage vault systems shall be designed by a licensed professional engineer.
6. Upon completion of construction of a vault, the vault shall be tested for water tightness. Unless other testing measures are required the Department, the test for water tightness shall be as follows:

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- a. The vault shall be filled with clean water and left standing in the vault for 24 hours. If necessary, the vault shall be refilled after 24 hours. At that time, the initial water level and time is recorded; and after one hour the water level and time is recorded. The vault passes if the water level does not drop over the one-hour period.
7. Vaults with a design capacity of 5,000 gallons or greater shall include an alarm, signal, or other Department approved device or method to indicate when 85 percent of the vault capacity is reached.
8. All inlet and outlet connections shall be constructed and maintained such that septage will not leak, spill, or overflow the holding tank.
9. At the discretion of the Department, public notice and comment may be required when issuing or revising a wastewater storage vault under Section 15.628.

C. Permit Process.

1. Prospective applicants are encouraged to meet with the Department prior to submission of an application to discuss the application procedure and anticipated application requirements.
2. The applicant for a wastewater storage vault permit shall provide all of the information required on a standard permit application form provided by the Department and shall include all information as required by Section 15.615.C.10.
3. Upon submission of all information required in the application, the Department shall evaluate the permit application for completeness. Within 60 calendar days of submission of an application, the Department shall notify the applicant in writing that the application is complete or incomplete and if additional information is required. The Department shall not process an application until it is determined to be complete.
4. When it is determined the application is complete, the Department shall perform a technical review of the submitted documents within 60 calendar days and make a determination as to eligibility to receive a permit. During the technical review, the Department may request changes to the design if appropriate. As part of the technical review, the Department may require public notice and comment pursuant to Section 15.628.
5. If the Department determines the applicant is eligible for a permit, the Department shall issue a Letter of Permit Eligibility. A Letter of Permit Eligibility may require the completion of specific construction requirements. The applicant may commence construction on a facility once a Letter of Permit Eligibility has been received.

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6. The applicant shall submit the permit development fee to the Department pursuant to the requirements of Section 15.625. Within 60 calendar days from receipt of the fee, the Department shall prepare a draft permit and provide the applicant with a copy for review and comment.
7. Upon completion of construction, the Department shall inspect the system and determine if the vault meets the water tightness test criteria under Section 15.615.B.6. Additionally, if a licensed professional engineer designed the facility, upon completion of construction, the permittee shall submit an Engineer's Certificate of Completion form (available from the Department) to the Department that confirms that the vault was constructed according to the engineer's design. After Department inspection and approval of the Certificate of Completion, the Department will issue the final permit.
8. If the Department denies issuance of a permit for a vault, the Department shall provide the applicant with written notification that explains the specific reason for the denial and the applicant's right to appeal the denial pursuant to Section 15.622. However, after notice of eligibility to receive a permit has been issued, the Department may only deny the permit if the applicant is found to have provided false or misleading information in its application.
9. At the discretion of the Department, an applicant for a vault may be required to submit an application for a discharge permit pursuant to applicable Community groundwater protection laws.
10. Applications. All wastewater storage vault permit applications filed with the Department under this chapter shall include, but not be limited to, the following information on a standard application form provided by the Department:
 - a. Applicant contact information including the name, phone number, and address of the vault owner and operator;
 - b. Legal description of the location of the vault;
 - c. Types of wastewater or septage that will be disposed in the vault;
 - d. A detailed description of the vault including diagrams and figures;
 - e. A detailed description of the vault processes, including calculations that demonstrate the design will meet Section 15.615.B.3 requirements;
 - f. Engineering design documents if applicable;
 - g. Description of how the vault will be tested for water tightness;
 - h. Contingency procedures; and

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- i. Signatory and certification requirements prescribed under Section 15.627.

D. Wastewater Storage Vault Permit Duration and Transferability. A wastewater storage vault permit is valid for ten years, may be renewed pursuant to the requirements of Section 15.617 and is transferrable.

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15.616. Centralized and Decentralized Sanitary Sewers.

A. Centralized and decentralized sanitary sewers shall be designed, constructed, and operated to:

1. Provide adequate wastewater flow capacity;
2. Prevent releases of wastewater to the land surface;
3. Protect groundwater quality through minimization of leakage from the system;
4. Prevent cross-connection or contamination of potable water supplies;
5. Maintain system structural integrity; and
6. Maintain industry standards of practice and good engineering judgment.

B. In the event an overflow from a centralized or decentralized sanitary sewer presents an imminent and/or substantial threat to public health or the environment, the operator of the sanitary sewer shall:

1. Restrict public access to the contaminated area;
2. Implement clean-up activities to minimize the impact to the environment; and
3. Provide written notice to the Department within three calendar days of the event. A notice shall include a description of the overflow; cause; estimated volumes released; dates and times; and steps taken or planned to reduce, eliminate, and prevent recurrence of the overflow.

C. For the purposes of this section, an imminent and substantial threat to public health or the environment is deemed to have occurred when:

1. The volume of a release is more than 1,000 gallons; or
2. The volume of a release is more than 50 gallons, but less than 1,000 gallons, and any one of the following apply:
 - a. The release entered onto a recognized public area and members of the public were present during the release;
 - b. The release occurred on a public or private street and pedestrians were at risk of being splashed by vehicles during the release or before the release was mitigated;
 - c. The release entered a surface water, canal, or a drywell;

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- d. The release occurred within an occupied building; or
- e. The release occurred within 100 feet of a school or a public or private drinking water supply well.

15.617. Individual Permit Administration.

A. Permit Renewal.

1. If authorized by this chapter, a permittee may apply for renewal of a permit by submitting written notification of intent not less than 90 calendar days before the permit expires and not more than 365 calendar days prior to permit expiration.
2. Unless the Department informs the applicant otherwise, the Department shall administratively continue the terms of a permit beyond the stated date of expiration while a permit's renewal process is pending.
3. Renewal may be subject to public notice and comment pursuant to Section 15.628. Based upon public comments, the Department may require a land use authorization prior to permit renewal.
4. The Department may deny the renewal of a permit for an additional term after the permit has expired, including, but not limited to, any of the following reasons:
 - a. Failure by the permittee to address violations;
 - b. Failure by the permittee to meet terms and conditions of its existing permit;
 - c. Misrepresentation or omission of any fact, information, or data by the permittee related to the permit application or renewal of permit; and/or
 - d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by not renewing the permit.

B. Opening, Revising, and Reissuing a Permit.

1. The Department may open, revise, and reissue a permit at anytime.
2. Reasons to open a permit may include, but not be limited to, the following situations:
 - a. To make minor changes (e.g., change contacts, fix errors, etc.);
 - b. The permitted activity undergoes a substantial modification;
 - c. The permitted activity undergoes changes or alterations that are not classified as a substantial modification, but require a revision to the permit;

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- d. A showing of changes in the environment or surrounding conditions;
 - e. Changes to contributing sources of wastewater that would necessitate a permit revision;
 - f. Adoption or revision of ordinances, standards, or regulations that require the revision of a permit condition for compliance;
 - g. A showing that there are material and substantial alterations or additions to the permitted facility that occurred after permit issuance and that justify the application of permit conditions that are different or absent from the existing permit; or
 - h. A showing that recent information received by the Department was not available or provided to the Department at the time of permit issuance and would have justified different permit conditions at the time of issuance.
3. If the Department decides to open a permit, a written notice shall be sent to the permittee explaining the Department's decision and including a time schedule. Only the permit conditions being revised by the Department subject to revision shall be considered opened while all other requirements and conditions of the permit remain in effect until the permit expires.
 4. If the Department decides to open a permit and make revisions, the permittee has the right to appeal and/or request a hearing pursuant to the provisions of Section 15.622.
 5. Prior to finalizing permit revisions, drafts of the proposed revision(s) shall be provided to the permittee for comment.
 6. Depending on the degree and number of proposed revisions to a permit, at the Department's discretion, public notice and comment pursuant to Section 15.628 may be required.
 7. If public comments received on a proposed permit revision indicate public concerns involving land uses, the Department may require a land use authorization prior to finalizing the permit revision.
 8. A permittee, under its own initiative, may submit a written request to the Department for a permit revision.
 9. The filing of a request by a permittee for a permit action (such as a permit revision) does not stay or suspend any existing permit condition.
 10. After opening a permit, the Department may revoke or suspend a permit pursuant to Section 15.620.D.

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C. **Permit Transfers Due to Change in Ownership.**

1. If a change in ownership is planned, and the permit is transferable, the following shall be completed:
 - a. The existing permittee shall:
 1. Notify the Department a minimum of 30 calendar days before the change of ownership and include a specific date for transfer of all permit responsibility, coverage, and liability; and
 2. Submit a fully executed agreement between the existing and proposed permittee delineating the manner in which permit responsibility, coverage, and liability between the two parties will be transferred.
 - b. The proposed permittee shall provide written documentation to the Department demonstrating that the proposed permittee will meet the requirements of the existing permit.
2. The Department shall review all submitted documents and make a determination if the permit is transferrable. The Department may require additional information from the proposed permittee based on the review of submitted documents. If the permit is transferable, the Department shall open, revise, and reissue the permit to the proposed permittee.
3. The existing permittee shall be liable for any noncompliance until the transfer is deemed complete and approved by the Department.

D. **Duty to Provide Information.** A permittee shall furnish to the Department, within 30 calendar days, any information that the Department may request to determine whether cause exists for opening, revising, suspending, revoking or reissuing a permit or to determine compliance with a permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this chapter or a permit.

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15.618. Inspections.

A. Right of Entry.

1. Department representatives shall be permitted to enter upon any structure, property, site, or any part thereof, for the purpose of conducting inspections, observations, flow measurements, sampling, testing, records examination and any other reasonable actions necessary to evaluate compliance with this chapter or a permit.
2. Inspections shall be conducted at the discretion of Department representatives and may be conducted with no prior notice.

B. Ready Access. Department representatives shall be provided immediate access to all points on any property for the purposes of inspection, sampling, records examination, and any other reasonable actions for determining performance of this chapter or a permit.

C. Monitoring Access.

1. The Department shall have the right to set up and install equipment and devices that are necessary to conduct sampling, compliance monitoring, and flow monitoring.
2. If Department representatives obtain samples and testing is performed, copies of the results shall be furnished to the permittee if requested.
3. No person shall maliciously, willfully or negligently break, damage, destroy, deface, tamper with or remove any Department monitoring equipment or devices. Only persons authorized by the Department will be allowed to uncover, adjust, maintain, and remove such equipment and devices.

D. Administrative Inspection Warrants.

1. In the event that consent to entry is withheld or consent is otherwise barred, the Department may obtain an administrative inspection warrant from a judge of the Community Court. A judge of the Community Court, upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting administrative inspections or investigations as part of a general plan of inspection or investigation under this chapter or if there is probable cause to believe that a violation of this chapter or of permits issued pursuant to this chapter has occurred or is occurring, including seizures of property appropriate to the inspections. For purposes of the issuance of administrative inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of this chapter or regulations hereunder, sufficient to justify administrative inspection of the area, premises, building, or conveyance in the circumstances specified in the application for the warrant.

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2. A warrant shall be issued only upon an affidavit of an employee of the Department having knowledge of the facts alleged, sworn to before the judge and establishing the grounds for issuing the warrant. If the judge is satisfied that grounds for the application exist or that there is probable cause to believe the grounds exist, the judge shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any. The warrant shall:
 - a. State the grounds for its issuance and the name of each person whose affidavit has been taken in support of the warrant;
 - b. Be directed to an employee authorized by the Department to execute it;
 - c. Command the person to whom it is directed to allow the inspection of the area, premises, building, or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the property specified;
 - d. Identify the item or types of property to be seized, if any;
 - e. Direct that it be served during normal business hours and designate the judge to whom it shall be returned.
3. A warrant issued pursuant to this section must be executed and returned within ten calendar days of its date unless, upon a showing of a need for additional time, the court orders otherwise. If property is seized pursuant to a warrant, a copy of the warrant shall be given to the person from whom or from whose premises the property is seized, together with a receipt for the property seized. The return of the warrant to the Community Court shall be made promptly, accompanied by a written inventory of any property seized. The inventory shall be made in the presence of the person executing the warrant and the person from whose possession or premises the property was seized, if present, or in the presence of at least one credible person other than the person executing the warrant. A copy of the inventory shall be delivered to the person from whom or from whose premises the property was seized and to the applicant for the warrant.
4. The judge who has issued a warrant shall attach a copy of the return and all papers returnable in connection with the warrant and file them with the clerk of the court in which the inspection was made.
5. In the event entry continues to be withheld or barred, the Department may exercise its right to suspend or revoke a person's permit pursuant to Section 15.620.D, or other penalty as provided for under this chapter.

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15.619. Violations.

A. **General Provisions.** In addition to any prohibitions set forth in this chapter, violations of this chapter include, but are not limited to:

1. A person who violates any requirement or provision of this chapter or regulation issued pursuant to any requirement or provision of this chapter.
2. A person who violates any condition of a general or individual permit or other Departmental approval issued pursuant to this chapter.
3. A person who aids or abets any person to evade the provisions of this chapter or allows one's permit to be used by another person without Department authorization.
4. A person who makes false or fraudulent records, reports, or proposals, or falsifies any other documents required by this chapter.
5. A person who misrepresents a material fact in obtaining a permit or other Departmental approval required under this chapter.
6. A person who misrepresents a material fact for the purpose of defrauding or deceiving the Department under this chapter.
7. A person who fails to maintain or refuses to allow inspection of any records or other documents required under this chapter.
8. A person who refuses the Department lawful access or entry onto land or a structure to conduct an inspection or to take documentary or physical samples.
9. No person may willfully obstruct or interfere with any person in the performance of his or her duties under this chapter.

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15.620. Civil Enforcement.

A. General Provisions.

1. The Department is authorized to implement compliance and enforcement procedures to address any violation of this chapter or a permit authorized by this chapter.
2. The measures available to the Department to achieve compliance are listed below. The Department shall seek voluntary compliance before implementing more stringent enforcement measures, unless the noncompliance represents an imminent and substantial endangerment to human health or the environment requiring stronger measures. Thus, if a notice of violation does not achieve the intended results, the Department may institute additional measures including the issuance of an administrative compliance order, seeking injunctive relief and civil penalties in the Community Court, or revocation or suspension of a permit under Section 15.620.D.
 - a. Notice of violation;
 - b. Administrative compliance order with civil penalties (administrative);
 - c. Permit denial, suspension or revocation; and
 - d. Civil penalties (judicial).
3. When the Department identifies a violation of this chapter either through an inspection or by other means, the Department personnel will decide what type of compliance and enforcement tools to use based on the following considerations:
 - a. Risk to human health, the environment and quality of life;
 - b. The degree of recklessness, negligence or deliberateness of the violator;
 - c. The violator's previous compliance history; and
 - d. Financial advantage gained by noncompliance.
4. Nothing herein shall preclude the Department from taking immediate action in response to an imminent or substantial endangerment to human health or the environment.
5. Duly authorized Community law enforcement officers may provide coordinated assistance to the Department for engaging in an enforcement action under this chapter. Such assistance may include providing civil stand-by and/or other applicable civil services.

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6. In addition to the compliance tools authorized in this section, the Department may also issue penalties per Section 15.620.E and, if appropriate, implement a disconnection of water service delivery.

B. Notice of Violation.

1. For routine acts of noncompliance, the Department will issue a written notice of violation for each violation identified. Unless a longer period of time is specified in the notice of violation, compliance must be achieved within 30 calendar days of the issuance of the notice. For the purposes of this section, routine acts of noncompliance means situations where the noncompliance does not constitute an emergency situation and no imminent and substantial endangerment to public health or the environment exists.
2. A notice of violation issued pursuant to this subsection shall state with reasonable specificity the nature of the violation including the requirement or provision of this chapter and/or the terms or conditions of a permit issued under this chapter that has been violated. A notice of violation may contain a civil penalty to be assessed by the Department in accordance with Section 15.620.E; however, the Department may suspend the penalty in lieu of the alleged violator's compliance with the terms of the notice of violation. Written notice of violations issued by the Department shall be transmitted to the alleged violator by certified mail or by personal service.
3. The Department is not required to issue a notice of violation prior to issuing an administrative compliance order, seeking injunctive relief and civil penalties in Gila River Community Court, or revocation or suspension of a permit under 15.620.D.
4. Disconnection of Reclaimed Water Service. If an end user is in violation of this chapter, as part of the notice of violation, the Department may require the reclaimed water distributor to suspend or disconnect reclaimed water delivery service to the end user.

C. Administrative Compliance Orders.

1. If the Department has reasonable cause to believe that any person has violated or is in violation of any provision of this chapter, or any requirement of a permit issued under this chapter, the Department may issue an order requiring compliance as expeditiously as practicable, but in no event later than one year after the order was issued. The order shall be transmitted to the alleged violator by certified mail, return receipt requested, or by personal service.
2. A compliance order issued pursuant to this subsection shall state with reasonable specificity the nature of the violation, the requirement, provision, or section

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violated, a reasonable time for compliance, if applicable, and shall state that the alleged violator is entitled to a hearing if a hearing is requested in writing within 30 calendar days after the date of issuance of the order.

3. A compliance order becomes final and enforceable in the Gila River Community Court unless, within 30 calendar days after receipt of the compliance order, the recipient of the order requests a hearing before an administrative law judge in accordance with the administrative appeals requirements set forth in Section 15.622. If a hearing is requested, the compliance order does not become final until the administrative law judge has issued a recommended decision on the appeal to the Department and the Department has issued a final decision on the appeal.
4. After a compliance order becomes final, the General Counsel, at the request of the Department, may file an action in Gila River Community Court to enforce an administrative compliance order issued pursuant to this subsection. Any person to whom a compliance order is issued who fails to take corrective action within the time specified in said order shall be liable for a civil penalty to be assessed by the Department in accordance with Section 15.620.E.
5. The Department's final decision is appealable to the Gila River Community Court, but the decision is not automatically stayed during the appeal.
6. Disconnection of Reclaimed Water Service. If an end user is in violation of this chapter, as part of the civil enforcement measures, the Department may issue an administrative compliance order to a reclaimed water distributor to suspend or disconnect reclaimed water delivery service to the end user.

D. Permit Denial, Suspension, or Revocation.

1. Denial. The Department may deny a request for a permit or permit renewal if the permit application demonstrates that the applicant is incapable of meeting the requirements of this chapter.
2. Suspension or revocation.
 - a. The Department may suspend or revoke a permit issued under this chapter for good cause, including, but not limited to, the following reasons:
 1. Failure to notify the Department of significant changes to the permitted facility or activity;
 2. Misrepresentation, submittal of false or inaccurate information, or failure to fully disclose all relevant facts in a permit application;

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3. Failure to provide timely notice or submit monitoring reports or other information to the Department as required under this chapter and/or any permit issued under this chapter;
 4. Falsifying monitoring reports;
 5. Tampering with monitoring equipment;
 6. Refusing to allow the Department timely inspection of the premises and records;
 7. Failure to meet treatment level requirements or water quality permit limits;
 8. Failure to meet compliance schedules;
 9. Noncompliance or violation of any requirement set forth in this chapter or any terms or conditions of a permit where the permittee has failed to take appropriate action in a timely manner to remedy the permit noncompliance or violation;
 10. The Department finds that human health or the environment is endangered and can only be regulated to acceptable levels by permit revocation;
 11. The permittee requests termination of the permit; or
 12. The Department finds that continued operation presents a significant risk to human health and the environment.
- b. Before suspending or revoking a permit, the Department shall provide notice to the permittee by certified mail of the Department's intent to suspend or revoke the permit. Such notice may include an administrative compliance order issued by the Department, ordering that noncompliance with permit requirements be corrected within a specified timeframe. If the permittee fails to correct the noncompliance within the timeframe specified by the administrative compliance order, the permit shall be deemed suspended or revoked.
- c. The Department may immediately suspend a permit and require the cessation or disconnection of any activity for any suspected violation that would constitute a serious violation, and such suspension shall remain in effect for a minimum of 15 calendar days to allow the Department to investigate the suspected violation.
3. Appeal. A notification by the Department denying or revoking a permit is appealable to an administrative law judge and the final order of revocation from

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the Department is appealable to Gila River Community Court in accordance with the administrative appeals requirements set forth in Section 15.622.

E. Civil Penalties.

1. A person who is found to be in violation of this chapter, a compliance order issued pursuant to Section 15.620.C, or any provision of a permit issued under this chapter, shall be subject to:
 - a. An order imposing an administrative civil penalty of up to \$5,000.00 per day for each violation; or
 - b. A civil judicial penalty of up to \$10,000.00 per day for each violation.
2. Each day of a failure to perform any act or duty for which a civil penalty may be assessed pursuant to this section constitutes a separate offense. Where the Department has notified the source of the violation, and the plaintiff makes a prima facie showing that the conduct or events giving rise to the violation are likely to have continued or recurred past the date of notice, the days of violation shall be presumed to include the date of such notice and each and every day thereafter until the violator established that continuous compliance has been achieved.
3. At the request of the Department, the General Counsel may file an action in Gila River Community Court to recover penalties provided for in this section.
4. In determining the amount of a civil penalty under this section, the Department or the Gila River Community Court, as appropriate, shall consider the following factors:
 - a. The violator's full compliance history and good faith efforts to comply;
 - b. The duration of the violation as established by any other credible evidence (including evidence other than the applicable test method);
 - c. Payment by the violator of penalties previously assessed for the same violation;
 - d. Self-reporting of the violation;
 - e. The hazard or potential hazard created to the health or safety of the public;
 - f. The economic damage to the property or the environment caused by the violation;
 - g. The economic benefit of noncompliance to the violator;

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- h. The seriousness of the violation;
 - i. If applicable, the size of the business and the economic impact of the penalty on the business; and
 - j. Any other matters that justice may require.
5. Exclusion. Any person who is not a member of the Community who is found by the Community Court to have committed any violation(s) under this chapter may be excluded from the Community; and may have his, her or its rights to engage in commercial dealings or consensual activities within the Reservation suspended or removed pursuant to Title 8, Chapter 1 of the Gila River Indian Community Law and Order Code.

F. **Injunctive Relief.**

1. At the request of the Department, the Community General Counsel may file an action for a temporary restraining order, a preliminary injunction, a permanent injunction or any other relief provided by law if the Department has reasonable cause to believe that any of the following is occurring:
- a. A person has violated or is in violation of any provision of this chapter, a compliance order, or any provision of a permit issued under this chapter;
 - b. A person has violated or is in violation of an administrative compliance order that is in effect; or
 - c. A person has created or is creating an imminent and substantial endangerment to public health or the environment.
2. Under this section, the Department may also seek other action as is appropriate for legal and/or equitable relief, including requiring the person to conduct environmental remediation or to establish performance bonds. Such relief may also include the confiscation, impoundment, or deactivation of vehicles and equipment used to commit acts which violate any provision of this chapter.

15.621. Criminal Enforcement Referral Procedures.

A. The Department may request that the Community Office of the Prosecutor bring a criminal action in Community Court against any person under the criminal jurisdiction of the Community and/or the Department may refer a criminal enforcement action or portion of such action to the EPA.

B. Any person under the criminal jurisdiction of the Community, who intentionally, knowingly or recklessly violates any provision, requirement or prohibition of this chapter or a permit issued pursuant to this chapter shall, upon conviction, be punished by imprisonment for a period not to exceed 30 days, or a fine not to exceed \$5,000.00, or both. Criminal prosecution may be undertaken either as an alternative or in conjunction with any other remedy under this chapter.

C. This section shall not be deemed to limit or restrict the Department or any other persons from taking other appropriate action, including notifying representatives of federal, state, county or municipal government agencies if it appears any person violated or failed to comply with this chapter.

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15.622. Administrative Appeals Procedures.

A. **Appeal of a Department Action.** This section applies to all appealable Department actions under this chapter. An appealable Department action is:

1. The issuance or denial of a permit authorized by this chapter;
2. Revocation or suspension of a permit authorized by this chapter;
3. Opening and revising a permit;
4. The issuance of an administrative compliance order;
5. The imposition, by order, of an administrative civil penalty; and
6. Any other Department action or decision described as an appealable action under this chapter.

B. **Notice of Appealable Department Action: Hearing.**

1. At the time an action is taken that is appealable under this chapter, the Department shall serve notice of the action pursuant to Section 15.622.C. The notice shall identify the Wastewater & Reclaimed Water Management Ordinance or permit provision that is alleged to have been violated or on which the action is based and shall include a description of the party's right to request a hearing on the matter.
2. A party may obtain a hearing on an appealable Department action by filing a notice of appeal with the Department within 30 calendar days after receiving the notice prescribed in Section 15.622.B.1. The notice may be filed by a party whose legal rights, duties, and privileges were determined by the appealable Department action. A notice of appeal may also be filed by a party who will be adversely affected by the issuance or denial of a permit and who exercised any right to comment on the action as provided by law or rule, provided that the grounds for appeal are limited to issues raised in that party's comment. The Department has the discretion to accept notices that are filed late due to circumstances beyond the party's control.
3. The notice of appeal shall identify the party, the party's address, the action being appealed and shall contain a concise statement of the reasons for the appeal. The Department shall notify the Executive Office of the appeal and the Executive Office shall schedule a hearing pursuant to Sections 15.622.E and F.

C. **Process Service.**

1. Every notice or decision under this section shall be served by personal delivery or

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certified mail, return receipt requested, or by any other method reasonably calculated to effect actual notice to every party to the action. Notice shall be served to the party's last address of record with the Department. Upon written agreement of the parties, electronic service may be utilized.

2. Each party shall inform the Department and, if applicable, the administrative law judge of any change of address within five days of the change.

D. **Request for Hearing.**

1. The Department shall notify the Executive Office of the appeal within five business days.
2. The Department shall provide the following information to the Executive Office:
 - a. Caption of the matter, including the names of the parties;
 - b. The date the party appealed the Department action;
 - c. Estimated time for the hearing;
 - d. Proposed hearing dates;
 - e. Any request to expedite or consolidate the matter;
 - f. Any agreement of the parties to waive the applicable time limits to set the hearing; and
 - g. Information regarding the nature of the proceeding, including the specific allegation.

E. **Assignment of Administrative Law Judge.** Setting the Hearing. Within 30 calendar days of the Executive Office's receipt of a request for a hearing, the Executive Office shall provide, in writing, to the appealing party and the Department:

1. The name of the administrative law judge assigned to hear the matter; and
2. The date, time, and location of the hearing.

F. **Scheduling of Hearing.**

1. Except as provided in Section 15.622.F.2, below, hearings for appealable Department actions shall be held within 60 calendar days after the notice of appeal is filed.
2. The date scheduled for the hearing may be advanced or delayed upon the

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agreement of the parties or on a showing of good cause.

3. The administrative law judge shall prepare and serve a notice of hearing on all parties to the appeal at least 30 calendar days before the hearing. The notice shall include:
 - a. A statement of the time, place, and nature of the hearing;
 - b. A statement of legal authority and jurisdiction under which the hearing is to be held;
 - c. A reference to the particular sections of the chapter involved; and
 - d. A short and plain statement of the matters asserted.
4. Notwithstanding Section 15.622.F.3, a hearing shall be expedited upon a showing of extraordinary circumstances or the possibility of irreparable harm if the parties to the appeal have actual notice of the hearing date. Any party to the appeal may file a motion with the administrative law judge asserting the party's right to an expedited hearing.

G. Pre-Hearing Conference.

1. Upon written request of any party or upon the administrative law judge's own motion, the administrative law judge may schedule a pre-hearing conference at least ten calendar days before the date set for hearing. The purpose of the pre-hearing conference is to:
 - a. Clarify or limit procedural, legal, or factual issues;
 - b. Consider amendments to any pleadings;
 - c. Identify and exchange lists of witnesses and exhibits intended to be introduced at the hearing;
 - d. Obtain stipulations or rulings regarding testimony, exhibits, facts, or law;
 - e. Schedule deadlines, hearing dates, and locations if not previously set; and
 - f. Allow the parties the opportunity to discuss settlement.
2. The administrative law judge may issue a pre-hearing order outlining the issues to be discussed. This order shall control the subsequent course of the action.
3. The administrative law judge shall record any agreements reached during a pre-

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hearing conference by electronic or mechanical means or memorialize them in an order reciting the action taken.

H. Hearing.

1. The parties to an appealable Department action have the right to be represented by counsel or to proceed without counsel, to submit evidence, and to cross-examine witnesses.
2. The administrative law judge may issue subpoenas to compel the attendance of witnesses and the production of documents. The subpoenas shall be served and enforced in a manner provided by the relevant provisions of Community Code Title 4, Courts and Procedures, for the service and enforcement of subpoenas in civil matters.
3. All parties shall have the opportunity to respond and present evidence and argument on all relevant issues. All relevant evidence is admissible, but the administrative law judge may exclude evidence if its probative value is outweighed by danger of unfair prejudice, by confusion of the issues or considerations of undue delay, waste of time, or needless presentation of cumulative evidence. The administrative law judge shall exercise reasonable control over the manner and order of cross-examining witnesses and presenting evidence to make cross-examination and presentation effective for ascertaining the truth, avoiding needless consumption of time, and protecting witnesses from harassment or undue embarrassment.
4. The administrative law judge shall secure either a court reporter or an electronic means of producing a clear and accurate record of the proceeding at the Department's expense. Any party requesting a transcript shall pay the costs of the transcript.
5. Informal disposition may be made by stipulation, agreed settlement, consent order, or default.
6. The hearing may be conducted in an informal manner and without the adherence to the rules of evidence required in judicial proceedings. Neither the manner of conducting the hearing nor the failure to adhere to the rules of evidence required in judicial proceedings is grounds for reversing any administrative decision if the evidence supporting the decision is substantial, reliable, and probative.

I. Final Administrative Decision: Review.

1. The administrative law judge shall issue a written recommended decision within 20 calendar days after the hearing is concluded. However, for complicated cases or for other good cause, the administrative law judge may provide notice to the parties that the recommended decision will be issued more than 20 calendar days

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after the conclusion of the hearing. The recommended decision shall include findings of fact and conclusions of law, separately stated, and a concise explanation of the reasons supporting the recommended decision.

2. The administrative law judge shall serve a copy of the recommended decision and a copy of the record of the hearing on the appealing party and the Department.
3. Within 30 calendar days after the date the administrative law judge sends a copy of the recommended decision to the Department, the Department may review the decision and accept, reject or modify it in accordance with the following requirements:
 - a. If the Department declines to review the administrative law judge's decision or accepts the decision, the Department shall serve on all parties the Department's final decision accepting the administrative law judge's decision on all parties.
 - b. If the Department rejects or modifies the administrative law judge's decision, prior to rejecting or modifying the decision, the Department shall consult with and obtain the consent of the Executive Office or his or her designee. The Department shall thereafter serve on all parties the Department's final decision and a copy of the administrative law judge's decision with the Department's rejection or modification and a written justification setting forth reasons for the rejection or modification.
4. The Department's final decision shall state separately the findings of fact and conclusions of law.
5. A party may appeal a final administrative decision pursuant to Section 15.623. If no appeal is taken within 35 calendar days, the decision shall become final.

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15.623. Judicial Review of Final Administrative Decisions.

A. Scope.

1. This section applies to and governs every action for judicial review of a final administrative decision under this chapter.
2. Unless review is sought of an administrative decision within the time and in the manner provided in Section 15.623.B, the parties to the proceeding shall be barred from obtaining judicial review of such decision.

B. Commencement of Action. An action to review a final administrative decision shall be commenced by the affected party by filing a complaint within 35 calendar days from the date when a copy of the decision sought to be reviewed is served upon the party affected. The decision shall be deemed to have been served when personally delivered or mailed by registered mail to the last recorded residence or place of business of the affected party.

C. Jurisdiction. Jurisdiction to review final administrative decisions is vested in the Gila River Indian Community Court.

D. Service of Process. In an action to review a final administrative decision of the Department, a copy of the summons and complaint shall be served as in civil actions and as provided by the Community Code Title 4, Courts and Procedure, upon the Department.

E. Appearance of Defendants. The Department shall answer the complaint within 20 calendar days after service of the summons and complaint.

F. Pleadings and Record on Review.

1. The complaint shall contain a statement of the findings and decision or part thereof for which review is sought, and shall clearly specify the grounds upon which review is sought. It shall also state what portion of the record the party asserts is relevant to the review it is seeking and that shall be filed by the Department as part of the record on review.
2. Except as otherwise provided, the Department shall file an answer which shall contain the original or a certified copy of the portion of record designated in the complaint. The answer of the Department may also contain other portions of the record as the Department deems relevant. By order of the court or by stipulation of all parties to the action, the record may be shortened or supplemented.
3. If, as a result of judicial review, the cause is remanded to the Department and a review thereafter is sought of the administrative decision, the original and supplemental record, or the record as is determined by court order or stipulation of all parties, shall constitute the record on review.

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G. Scope of Review.

1. An action to review a final administrative decision shall be heard and determined within a reasonable time. The hearing and determination shall be extended to all questions of law and fact presented by the entire record before the court. No new or additional evidence in support of or in opposition to a finding, order, or decision of the Department shall be heard by the court, except in the event of a trial de novo or in cases where, in the discretion of the court, justice demands the admission of such evidence.
2. The trial shall be de novo if a trial de novo is demanded in the complaint or answer and if no hearing was held by an administrative law judge or the proceedings before the administrative law judge were not stenographically reported or mechanically recorded so that a transcript might be made.
3. A party who has demanded a trial de novo in the complaint or answer pursuant to Section 15.623.G.2, shall file, prior to the time for filing the opening appellate brief, a motion explaining the need for a trial de novo with citation to legal authority supporting the demand. Any party opposing the motion may file a response thereto.
4. The Community Court may not reverse the Department's finding of fact unless it is clearly erroneous and may not reverse the Department's final administrative decision unless it has no substantial evidentiary basis in the record or is erroneous as a matter of law.

H. Authority of the Gila River Indian Community Court.

1. The Community Court may:
 - a. With or without bond, unless required by this chapter, and before or after answer, stay the decision in whole or in part pending final disposition of the case, after notice to the Department and for substantial good cause shown.
 - b. Make any order that it deems proper for the amendment, completion, or filing of the record of the proceedings by the Department.
 - c. Allow substitution of parties by reason of marriage, death, bankruptcy, assignment or other cause.
 - d. Dismiss parties or realign parties as plaintiff and defendant.
 - e. Modify, affirm, or reverse the decision in whole or in part.
 - f. Specify questions or matters requiring further hearing or proceedings and

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give other proper instructions.

- g. When a hearing has been held by the administrative law judge, remand for the purpose of taking additional evidence when from the state of the record or otherwise it appears that such action is just.
 - h. In the case of affirmance or partial affirmance of an administrative decision requiring payment of money, enter judgment for the amount justified by the record and for costs, upon which execution may issue.
- 2. Technical errors in the proceedings before the administrative law judge or failure to observe technical rules of evidence shall not constitute grounds for reversal of the decision, unless the trial court determines that the error or failure affected the rights of a party and resulted in injustice to that party.
 - 3. On motion of a party before rendition of judgment, the trial court shall make findings of fact and state conclusions of law upon which its judgment is based.

I. **Appellate Review.** The final decision, order, judgment or decree of the Community Court entered for an action to review a final administrative decision of the Department may be appealed to the Gila River Indian Community Court of Appeals.

J. **Rules of Civil Procedure.** Where applicable, all rules of civil procedure in the Community Court, including rules relating to appeals to the Community Court of Appeals, shall apply to all proceedings.

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15.624. Contractual Service Assignments.

A. To fulfill its responsibilities under this chapter, the Department may based upon its need for additional technical and legal resources or expertise determine it necessary in some situations to procure contractual services to assist in the development or evaluation of matters subject to this chapter. A service assignment may be applicable to any section of this chapter or a permit.

B. If the Department determines it is necessary to procure a contractual service assignment, the Department shall provide written notice to responsible persons.

C. The contractual service assignment terms and conditions, including methods of payment or reimbursement, shall be implemented in an agreement between the person issued the contractual service assignment and the Department.

D. Unless otherwise agreed upon by both parties, when a contractual service assignment is issued for a technical or legal issue, the Department shall use its current contractors under contract.

E. If a contractual service assignment is on a reimbursement basis and a person with a contractual service assignment has a balance due, the Department may refrain from issuing a permit, permit revision, or take any other action that required the contractual service assignment until the balance is paid in full. If the applicant or permittee withdrawals from a contractual service assignment, they are responsible for paying all fees incurred through the date on which the written notice is received.

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15.625. Establishment of Program Income Account; Application and Permit Development Fees.

A. The Community Council authorizes the establishment of a program income account for Department use in administering and enforcing this chapter. The Department may use funds for, but not limited to, purchasing education and outreach materials, sampling equipment, laboratory testing, compliance and enforcement, staff training, and document review and preparation.

B. All fees and any monies collected as a result of violations of this chapter shall be deposited with the Community Treasurer to be credited to the wastewater fund. The Department shall report annually to the Community Council on the sums deposited into the fund and uses thereof.

C. Any monies contained in the fund at the end of any fiscal year shall not revert to the general fund, but shall remain available for appropriation as provided in this section.

D. There are no fees for permit modifications or renewals.

E. Community departments are exempt from the application and permit development fees.

F. **Application Fees.** The applicant for a reuse permit shall submit fees with the application according to the following:

Type of Permit	Application Fee
New Agriculture Reuse Permit	\$ 0
New Diversified Reuse Permit	\$100
New Industrial Reuse Permit	\$300

G. **Permit Development Fees.** An applicant for the following types of permits shall submit a permit development fee once the applicant has been notified that the applicant is eligible for the permit. Permit development fees are not refundable after submittal.

Type of Permit	Permit Development Fee
New End User Impoundment	\$ 500
New Wastewater Storage Vaults less than 5,000 gallons	\$ 500
New Wastewater Storage Vaults greater than 5,000 gallons	\$ 1,000
New Centralized Wastewater Treatment Facilities	\$ 5,000

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New Decentralized Wastewater Treatment Systems	
- Domestic systems 3,000 to 10,000 gallons per day	\$ 200
- Domestic systems greater than 10,000 gallons per day	\$ 500
- Commercial systems less than 3,000 gallons per day	\$ 300
- Commercial systems 3,000 to 10,000 gallons per day	\$ 700
- Commercial systems greater than 10,000 gallons per day	\$ 1,000

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15.626. Waivers and Variances.

A. General Provisions.

1. The provisions contained in this chapter or contained in a permit are intended to apply to a variety of conditions and circumstances. It is recognized that strict compliance with all regulations prescribed might not fit every conceivable situation.
2. When strict compliance with the requirements of this chapter is impractical or extraordinary and unusual conditions exist, a person may request a waiver or variance by submitting a written request to the Department. A request shall include the following information:
 - a. Applicant or permittee name and contact information;
 - b. A specific citation of the regulation for which a waiver or variance is being sought;
 - c. A full explanation of why a waiver or variance is necessary;
 - d. A statement of whether the requested waiver or variance can be of limited duration; and
 - e. A full explanation of how granting the requested waiver or variance would be consistent with the intent of this chapter and would adequately protect human health and the environment.
3. The Department shall issue a written response to a request for a waiver or variance within 30 calendar days of receipt of the request.
4. If the request is denied, the written response shall specify the reason(s) for the denial.
5. If the request is approved, all requirements not waived shall apply.
6. A verbal waiver or variance may be issued in an emergency by the Department. Within five calendar days of the date the Department approves the verbal waiver or variance for an emergency, a formal waiver or variance request letter shall be submitted to the Department.
7. No waiver or variance shall be granted that, in the judgment of the Department, contravenes the intent of this chapter.

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8. A person may request for a permit that involves experimental or pilot project types of activities. If approved, the Department may issue an individual permit that places greater reliance on monitoring to ensure operational capability.
9. The denial of a waiver or variance is not an appealable action.
10. The Department may require pilot testing, water quality data, or other demonstrations to justify a waiver or variance request.

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15.627. Signatures and Certifications.

A. General Provisions.

1. Signatories.

- a. All submittals required to be provided to the Department as set forth under this chapter, including, but not limited to, reports, permit applications, and notifications shall be signed as follows:
 1. For a corporation: by a responsible corporate officer, such as a president, vice-president, treasurer or any other person who performs similar policy or decision-making functions for the corporation;
 2. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
 3. For a Community department or entity: by the Department of that department or entity;
 4. For a non-Community government agency: by either a principal executive officer or ranking elected official; or
 5. By a duly authorized representative of that person if:
 - a. The authorization is made in writing by a person described in Sections 15.627.A.1.a.1 through 4 above;
 - b. The authorization specifies either a named individual or any individual occupying a named position having responsibility for the overall operation of the regulated facility, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the Department in advance.
- b. If an authorization under Section 15.627.A.1.a.5 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section 15.627.A.1.a.5 must be submitted to the Department prior to or together with any reports, permit applications, and notifications to be signed by an authorized representative.

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- c. In addition to the signatures in Section 15.627.A.1, all documents that are required to be submitted to the Department under this chapter by a licensed professional, or require engineering design or calculations, shall be signed, dated, and sealed by the licensed professional.

2. Certifications.

- a. Any person signing a document under Section 15.627.A.1.a shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, representative, and complete and was obtained in accordance with established written procedures. I am aware that there are significant consequences for submitting false information."

- b. In addition, any person signing a permit application shall certify the following:

"I understand that signing this permit application constitutes a consensual relationship and agree to being subject to the regulations and the compliance and enforcement provisions of Gila River Indian Community laws, including the Wastewater Management Ordinance."

3. Uses of reported information.

- a. All information reported to the Department will be used by the Department to determine compliance with the rules set forth in this chapter and may be used by the Department as evidence in any enforcement case arising under the rules of this chapter.
- b. Except for data determined to be confidential under Section 15.627.A.4, any records, reports or information obtained from any person, including all information submitted, reported, or noticed to the Department under the rules of this chapter, shall be available to the public at the Department's offices.
- c. Notwithstanding Section 15.627.A.4, the Department may disclose, with an accompanying confidentiality notice, any records, reports, or information obtained by the Department to:
 1. General Counsel when administrating enforcement of this chapter; and/or

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2. The EPA if the information is necessary or required to administer an implement or comply with federal statutes or regulations.
4. Confidentiality of information.
 - a. A person submitting information to the Department pursuant to the requirements of this chapter may make a claim of confidentiality only upon the showing to the satisfaction of the Department that the information or a part of the information if made public would divulge the trade secrets of the person; or relates to cost of production, profits, or other financial information which is otherwise not public record.
 - b. No claim of confidentiality may be made for:
 1. The name and address of any permit applicant or permittee;
 2. Information submitted on permit application forms or any attachments used to supply information required by the permit application forms; or
 3. Permits, water quality data, and permit administrative records submitted to or managed by the Department under the rules set forth in this chapter.
 - c. A person submitting information meeting the description of confidential information may consult with the Department before submittal.
 - d. If a claim of confidentiality is made, it must be made in writing at the time of submission and shall:
 1. Precisely identify the information in the documents submitted which is considered confidential; and
 2. Contain sufficient supporting information to allow the Department to evaluate whether such information satisfies the requirements of confidentiality.
 - e. Within 30 calendar days of receipt of a claim of confidentiality that complies with this section, the Department shall make a determination as to whether the information satisfies its requirements and so notify the applicant in writing. If the Department agrees that the information covered by the claim of confidentiality satisfies the requirements of this subsection, the Department shall preclude such information from being available to the public.

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- f. The Department's determination of confidentiality shall be final and not appealable.

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15.628. Public Notice, Comment, and Hearings.

A. The Department shall provide public notice and an opportunity to comment as may be required under this chapter for public review of approval, renewal, revising, or reissuing of a permit or other action under this chapter.

B. Public Notice.

1. Public notice, when required under this chapter and including any hearing required by section 15.628.D, shall be provided by the Department as a written statement distributed as follows:

- a. Publication in local newspaper(s); and/or
- b. Posting at all applicable district Service Centers.

2. A public notice provided by the Department under this chapter shall, at a minimum, include:

- a. A statement of facts regarding the subject of the notice;
- b. The means of acquiring additional information;
- c. The time frame in which public written comments may be submitted. The duration of a public comment period shall be a minimum of 30 calendar days, beginning and ending on dates identified in the public notice; and
- d. If applicable, the notice for any hearing required by Section 15.628.D. must include the date(s), time(s), and place(s) of such hearing(s). Any hearing required by Section 15.628.D will be held only after reasonable notice, which will be considered to include at least 30 calendar days prior to the date of such hearing(s).

3. In addition to the public notice requirements provided herein, the Department may require that notice be given in an alternate publication or forum.

C. **Availability of Documents.** Copies of the proposed permit or a renewal, revision, or reissuing of a permit or other action under this chapter must be made available for public inspection in at least one location in each district to which it will apply.

D. Public Hearings.

1. The Department may schedule and conduct a public hearing for the purpose of providing an opportunity for the public to learn about and communicate their concerns regarding actions proposed under this chapter.

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2. Based upon the significance of the applicable issues and level of public interest, the Department may determine, at its sole discretion, whether a public hearing is warranted.
 3. As a part of the public participation process, Community Council or its standing committees may participate in the public hearing.
 4. In the alternative, in lieu of a public hearing scheduled exclusively regarding a proposed action under this chapter, the Department may provide the public an opportunity to comment at a regularly scheduled District meeting. If the public hearing is at a regular scheduled public district meeting, the Department is not required to provide public notice as required under Section 15.628.B.2.d.
- E. Recording-Keeping; Certification of Public Hearing; Administrative Record.**
1. The Department shall prepare and retain a record of each public hearing held pursuant to Section 15.628.D. The record must contain, at a minimum, a list of witnesses together with the content of each presentation.
 2. The Department shall certify that the hearing required by Section 15.628.D of this section was held in accordance with the notice required by Section 15.628.B of this section.
 3. Whether or not a public hearing is held, all written comments submitted during the public comment period shall be included in the administrative record and the Department shall consider all the comments in the administrative record when making a decision. The Department shall respond to each substantive comment received; however, multiple comments of a similar nature do not each require an individual response.
 4. With prior notice, documentation in the administrative record shall be available for public review at the Department's offices during normal business hours.

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15.629. General Permits.

A. If a general permit has been issued by the Department, a person regulated under the permit shall meet the requirements identified in the general permit.

B. If required, the applicant shall submit information sufficient to establish coverage under the general permit. General permits may or may not require the submittal of a notice of intent and may or may not require Department approval.

C. Requirements for each general permit may vary. General permits may include both specific and general conditions. General conditions may include, but not be limited to, the following:

1. Violations. Any activities not authorized by a general permit or that are not in compliance with the terms and conditions of a general permit shall constitute a violation.
2. Right-of-Entry and inspection. A person operating under a general permit shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law, to enter upon the premises to ascertain compliance with a general permit. The Department shall implement inspections pursuant to Section 15.618.
3. Permit denial. The Department may deny a general permit for any of the following reasons:
 - a. A person misrepresents or fails to fully disclose all relevant facts;
 - b. A determination by the Department that a proposed activity may endanger human health or the environment, or may contribute to a surface water or groundwater quality standards violation(s);
 - c. Current or past performance of a permittee, including but not limited to: previous safety issues or endangerment to human health or the environment, intentionally making a misstatement of fact on any filing with the Department, and previous violations of permit conditions; or
 - d. Any other reasons as deemed appropriate by the Department.
4. Permit revocation and application for general permits.
 - a. The Department may revoke coverage under a general permit due to, but not limited to, any of the following:
 1. Violation of any condition of the general permit or of the conditions of discharge;

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2. Intentionally making a misstatement of fact on any filing with the Department;
 3. Failure or refusal to allow right-of-entry and inspection; or
 4. A determination that the permitted activity may endanger human health or the environment or may contribute to a surface water or groundwater quality standards violation(s).
- b. If the Department revokes coverage under a general permit and the permittee is eligible to obtain an individual permit, the Department shall notify the permittee by certified mail of the decision. The notification shall include:
1. A brief statement of the reason for the decision;
 2. The effective revocation date of the general permit coverage;
 3. A statement of whether the activity shall cease immediately or whether the activity may continue until the individual permit is issued;
 4. An individual permit application form; and
 5. A deadline, between 90 and 180 calendar days after receipt of the notification, for filing the application.
- c. When the Department issues an individual permit to a person, the coverage under the general permit is superseded by the individual permit.
5. Permit enforcement. The Department is authorized to implement inspection and compliance and enforcement procedures to address any violation of the general permit pursuant to this chapter.
 6. Compliance with other laws and statutes. Nothing in the general permit or the conditions of coverage shall be construed as excusing the permittee from compliance with any applicable federal or Community laws or regulations.
 7. Permit transfer. Upon authorization of the Department, coverage under the general permits may be transferred to a new owner.
 8. Signatures and certifications for Department submittals. All signature requirements and certifications shall be consistent with Section 15.627.

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9. Waivers and variances. A waiver or variance shall be subject to the requirements of Section 15.626.
10. Appeals. Coverage under the general permit may be appealable pursuant to Section 15.622.
11. Severability. The provisions of coverage under the general permit are severable, and if any provision of a general permit or application of any provision of a general permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected.
 - D. Permit fees for general permits, if required, shall be specified in each general permit.
 - E. Best management practices (BMPs) may be prescribed by the general permit.
 - F. General permits shall be implemented under the authorities and conditions of this chapter.

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Table 1. Permits and End User Agreements for Reuse

Type of Reuse	Non-blended Reuse		Blended Reuse
	<i>Category I</i>	<i>Category II</i>	
Agricultural Reuse - Irrigation of Non-Edible Crops	✓ Reuse Permit	✓ Reuse Permit	✓ Reuse Permit
Agricultural Reuse - Irrigation of Edible Crops with Direct Application Irrigation.	✓ Reuse Permit ✓ End User Agreement Required	✓ Reuse Not Allowed	✓ Reuse Permit ✓ End User Agreement Required ✓ Distributor Approval
Agricultural Reuse - Irrigation of Edible Crops with Indirect Application Irrigation.	✓ Reuse Permit ✓ End User Agreement Required	✓ Reuse Not Allowed	✓ Reuse Permit ✓ End User Agreement Required ✓ Distributor Approval
Agricultural Reuse - Irrigation of Edible Crops with Processing for Pathogens.	✓ Reuse Permit ✓ End User Agreement on a Case-by-Case Basis.	✓ Reuse Permit ✓ End User Agreement Required	✓ Reuse Permit ✓ End User Agreement Required ✓ Distributor Approval
Diversified Reuse	✓ Reuse Permit ✓ End User Agreement on a Case-by-case basis.	✓ Reuse Permit ✓ End User Agreement on a Case-by-case basis.	✓ Reuse Permit ✓ End User Agreement Required ✓ Distributor Approval
Industrial Reuse	✓ Reuse Permit ✓ End User Agreement on a Case-by-case basis.	✓ Reuse Permit ✓ End User Agreement on a Case-by-case basis.	✓ Reuse Permit ✓ End User Agreement Required ✓ Distributor Approval

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Table 2. Acceptable Types of Reuse

	Non-blended Reuse		Blended Reuse
	Category I ⁽¹⁾	Category II ⁽²⁾	
Agricultural Reuse	<ul style="list-style-type: none"> ✓ Irrigation of edible crops using a direct application method. Direct application irrigation methods are authorized by the Department on a case-by-case basis. or ✓ Irrigation of edible crops using an indirect application method that will preclude direct contact of the crop with the reclaimed water (e.g., drip or subsurface irrigation) or ✓ Edible portions of the harvested crop is commercially processed to destroy pathogens prior to distribution for consumption 	<ul style="list-style-type: none"> ✓ Edible portions of the harvested crop is commercially processed to destroy pathogens prior to distribution for consumption ✓ Irrigation of fiber, seed, forage, and similar crops ✓ Irrigation of sod farms 	<ul style="list-style-type: none"> ✓ Irrigation of fiber, seed, forage, and similar crops ✓ Irrigation of sod farms ✓ Others on a case-by-case basis with Department Authorization
Industrial Reuse	Case-by-case Department Authorization	Case-by-case Department Authorization	Case-by-case Department Authorization
Diversified Reuse	<ul style="list-style-type: none"> ✓ Landscape irrigation with public exposure (e.g., school playgrounds, parks, subdivision common areas) ✓ Fire Protection ✓ Commercial closed-loop air conditioning systems ✓ Vehicle/equipment washing (no self-service facilities) ✓ Livestock watering and irrigation of pasture for dairy animals 	<ul style="list-style-type: none"> ✓ Landscape irrigation with non-public exposure (e.g., golf courses, cemeteries, and road medians) ✓ Dust control ✓ Street cleaning ✓ Construction activities such as soil compaction, concrete and cement mixing, material washing and sieving ✓ Livestock watering (non-dairy animals) ✓ Irrigation of pasture for non-dairy animals 	Case-by-case Department Authorization

Table 2 Notes:

(1) Reclaimed water categories correspond with the treatment levels defined in Section 15.605.

(2) Category I reclaimed water may be used for Category II reuse types.

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Table 3. Signage and Notice Requirements for Reclaimed Water Uses (page 1 of 2)

	<i>Agricultural Reuse</i> (for both non-blended and blended reuse)	<i>Industrial Reuse</i> (for both non-blended and blended reuse)	<i>Diversified Reuse</i> (for both non-blended and blended reuse)			
			<i>Landscape Irrigation</i>			<i>Dust Control by Mobile Tank Truck</i>
			<i>Irrigation of Landscapes with Public Exposure</i>	<i>Irrigation of Landscapes with Non-Public Exposure</i>		
				<i>Golf Courses</i>	<i>Other</i>	
Category II	No signage requirements	Case-by-case signage requirements	Reuse Not Allowed	Purple Advisory Signs placed at ingress points AND Notice of “Reclaimed Water in Use” placed on golf score cards.	Purple Advisory Signs placed at ingress points and on premises where reclaimed water is used at reasonably spaced intervals as applicable to the use.	Purple Advisory Sign located on tank or sign with message “Not Potable Water”
Category I	No signage requirements	Case-by-case signage requirements	Purple Advisory Signs located on premises clearly visible to public users of the landscape.	Notice of “Reclaimed Water in Use” placed on golf score card.	No signage requirements	Purple Advisory Sign located on tank or sign with message “Not Potable Water”

Purple Advisory Sign means a visual notification and advisory that has the following minimum elements:

- (1) Has a purple background;
- (2) States in English “Reclaimed Water” or “Recycled Water”;
- (3) States in English “No Drinking” and displays the international symbol for no drinking; and
- (4) If the reclaimed water is present in quantities such that one could swim, the sign shall also state in English “No Swimming” and display the international symbol for no swimming.

WATER AND RESOURCES

Table 3. Signage and Notice Requirements for Reclaimed Water Uses (page 2 of 2)

	<i>Open Conveyances</i> (for both non-blended and blended reclaimed water)				<i>Pipeline Conveyances</i> (for both non-blended and blended reclaimed water)	
	<i>End User Impoundments</i>	<i>Distributor Impoundments</i>	<i>Distributor Canals</i>	<i>End User Canals</i>	<i>Pipeline Systems</i>	<i>Hose Bibs</i>
Category II	Purple Advisory Signs placed at clearly visible locations adjacent to the impoundment and on each side of the impoundment. Large sized impoundments may require additional signs.	Purple Advisory Signs placed at clearly visible locations adjacent to the impoundment and on each side of the impoundment. Large sized impoundments may require additional signs.	Purple Advisory Signs placed at ingress points to open conveyance system (such as at roadway crossings). AND Along open conveyance at an interval of at least every half (1/2) mile.	Purple Advisory Signs placed where public may come in contact with open conveyance (such as at roadway crossings).	See Section 15.614.D for marking and color coding. Above ground pipelines where reclaimed water is released to atmosphere requires a Purple Advisory Sign.	Purple Advisory Signs or notice stating no drinking adjacent to each hose bib.
Category I	Purple Advisory Signs placed at clearly visible locations adjacent to the impoundment and on each side of the impoundment. Large sized impoundments may require additional signs.	Purple Advisory Signs placed at clearly visible locations adjacent to the impoundment and on each side of the impoundment. Large sized impoundments may require additional signs.	Purple Advisory Signs placed at ingress points to open conveyance system (such as at roadway crossings). AND Along open conveyance at an interval of at least every one mile.	No requirements if the depth of reclaimed water in the canal is less than four feet deep at all times. If depth of reclaimed water in canal is greater than four feet deep at any time, then Purple Advisory Signs shall be placed where the public may come in contact with open conveyance (such as at roadway crossings).	See Section 15.614.D for marking and color coding. Above ground pipelines where reclaimed water is released to atmosphere requires a Purple Advisory Sign.	Purple Advisory Signs or notice stating no drinking adjacent to each hose bib.