



Public Works Department

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Pretreatment Program Public Hearing March 12, 2013, 3:00 p.m. City Council Chambers

City of Prescott Council Meeting Regular Agenda A. Public Hearing for amendment of City Code Title II Chapter 2-1: Public Works Department, Sewer Use Ordinance for Wastewater Pretreatment Program implementation.

Mark Nietupski explained that the Public Hearing was also the start of the 30-day public comment period on updating the City Code Chapter 2-1, Sewer Use Ordinance. The City is mandated by EPA and ADEQ to implement a pretreatment program. Mark described the purpose of the pretreatment program and that stakeholder meetings had occurred on 2/21/13, 2/28/13, and 3/7/13. Questions received during the public comment period will be answered and posted on the City's pretreatment web site.

Marla Miller, with ARCADIS, presented information on why the pretreatment program was needed and the elements that make up the program.

Questions & Answers

Councilman Lamerson: This a pass down from the EPA, a Federal mandate and in the recent past, maybe past 3 years, when we did some studies on out-houses, the Council had given direction to implement or pursue implementation of either an aquifer protection fee, or a watershed protection be assigned to all the water user rates of the City of Prescott. Don't know where that's at at this point. This may be the time to discuss what we are doing and if I remember at the time, there was no discussion with the fee being assigned to different ramifications of consequence. In other words, somebody running this type of operation, or that type of operation, their discharge into the aquifer or their discharge that will have impact on the waste treatment plant will be different than somebody that is using a washing machine or something of that nature. So I realize the point of your presentation is to open up dialogue for 30 days, and I am opening up the dialogue at this point from this position with regards to things we have discussed in the past.

Craig McConnell: Responding to your comment, everything is connected. Your recollection is accurate that there was discussion in a watershed runoff context of establishing an aquifer protection fee. What has just been presented is that one of the sources of input to the aquifer is the effluent, or what comes out of the wastewater treatment plant and then is recharged. Another component which affects our aquifer is surface waters from the watershed – surface run-off. A later item on the agenda today pertains to what we call the TMDL – total maximum daily loading in Watson Lake in particular. The discussion of both of these items together gives that timely event which should trigger discussion of that aquifer protection fee.

Councilman Lamerson: Now that you have talked about surface run-off, a lot of surface run-off comes from high density use, parking lots, certain types of commercial establishments, etc. All that drainage ends up in one spot and that is right down there where we put in a collection, and that collection is what is going to impact the aquifer, it will impact our recharge capability. And that water has to meet certain standards that are put out by ADEQ, but it also needs to meet certain standards for public consumption purposes with regards to use of the water, whether it be for fishing, boating. This is an appropriate time to start talking about some of these issues, because when you have these big box retailers that put in parking lots for 400-600 vehicles on a daily basis, who is going to pay to clean that? Is that solely going to come off the water users, when many of the folks in the parking lots aren't the water users that we would be taxing. They are taxed in some respects to sales tax, etc. it is time we start discussing the cost benefit analysis. This will come at a cost.

Craig McConnell: This is true. I believe that the time and place for the discussion of the aspects that you mentioned will be in conjunction primarily with the TMDL of Watson Lake – improving water quality as we as a City figures out what has to be done and how that is going to be paid for.

Councilman Kuknyo: What stands out for me is the potential cost that we will have to pass along to businesses that are in Prescott. And in particular, small businesses that may not be able to take this kind of big hit. You have already had stakeholder meetings. What kind of attendance are you getting from businesses, and how have we contacted them?

Mark Nietupski: We have done direct mailings, we have done media notifications, we have also hand delivered flyers to inform businesses of meetings scheduled for them to attend and obtain information. We have taken multiple steps to inform the people who are going to be affected by this, of opportunities to attend meetings to obtain information. Additionally, as far as cost benefit, we are at a point where we are investigating what other communities have done where pretreatment has been implemented, how it has affected commercial users, to understand where a reduction in operations and maintenance costs can be achieved as a result of a program how might that reduction in cost be a benefit to those people who are participating in improving the water quality for that purpose. As we work towards that goal in the next few months ahead, along with any potential fees that may be recommended for the pretreatment program. This is yet to

be developed. We are at a point in the process where the initial ordinance must be implemented in order for us to do the things that are necessary under the law. This is the first step. The first year and a half of the program will be public outreach and education. It will be critical that we have one-on-one dialogue with commercial users, so that we can understand what they are doing, how their operations and uses are affecting the system. Then we can help them with best management practices that can be implemented to benefit the whole system wide operation.

Councilman Kuknyo: So a lot of this might be education with best management practices. Don't most of them have grease interceptors already installed?

Mark Nietupski: A lot of businesses do have them. One of the things that we have found is that there are businesses that have them but they forget they are there, and they don't necessarily maintain them on a regular basis. That can be problematic. Those are the kinds of things we want to address with business owners.

Councilman Kuknyo: I know that we are building that brand new facility at the airport. Is there anything that we could put on the front end of that, that would help address this problem?

Marla Miller: It's a little bit more complicated than that, that is part of why we are trying to get the industrial survey out there to get a better understanding of what is being discharged.

Councilman Kuknyo: If a business owner has not attended either of the meetings, even though you have made these attempts, are there any opportunities coming up?

Mark Nietupski: Education will be ongoing. It is going to be the focus of the program in the first 18 months. It will have to be continuous and ongoing in order for people to become informed. Future meetings are scheduled for April 23rd and 30th.

[The first 30-day public comment period is starting and industrial and commercial dischargers will be able to submit questions on the program. A second 30-day public comments period, scheduled for sometime after June 2013, will also be a vehicle for dischargers to ask questions and get additional information.]

Marla Miller: Information is also being posted on the City's pretreatment website for questions and answers from the stakeholder meetings.

Councilman Blair: Do I see a new employee in the future as a FOG inspector? My concern is the initial cost to the commercial businesses.

Mark Nietupski: After doing the analysis, we have determined that it is a recommendation of Public Works that one Full Time Equivalent position be included in the budget for FY2014 for the purposes of this program, to assist the one individual that

we have in Back Flow Prevention and Backwater Prevention. There is going to be a lot of work to do in order to document and implement this program.

Councilman Blair: Where would the City in this program combine itself with the County Health Department? It seems we will have an inspector intruding into businesses to check their systems to make sure they are following through with what they are supposed to be doing. How is that done in a meaningful way, but a respectful way?

Mark Nietupski: I think you are talking about two distinct and separate operations. When it comes to the County Health Department and the City being the operator of a wastewater collection and treatment facility. The City has the obligation to operate and maintain that facility in conformance with the environmental regulations that we have referred to – ADEQ and EPA. Because of those regulations, we are the responsible party to ensure that we are operating in compliance with those regulations.

Councilman Blair: Is there going to be a method set up where inspection is done on restaurants, laundry mats, all commercial businesses that discharge.

Mark Nietupski: It is likely, but a ways down the road. In order to do that, we are going to need a much better understanding of how businesses are operating, and we need to have that dialogue, how they are using the system, what they are putting in it, what they are wiping down and not putting in it. That's going to go into the development of that program.

Councilman Blair: We can look forward to more dialogue, to hear what you can up with.

Mark Nietupski: Yes, we will be back here several times to discuss the program with the Council. The Council will have the ultimate say in the implementation of any fee associated with the program. There will be considerable discussion with you.

Councilman Blair: How would you handle the inspection of a hotel that has numerous restroom facilities, to make sure they are in compliance?

Mark Nietupski: We will have to have that dialogue to gain understanding. It's not something that is "off the shelf". Every community is different. For example, Phoenix has had a pretreatment program for 20+ years. Their program has matured along the way. We are just getting started with our program, so we will be taking the steps necessary to develop a program. It will take a lot of time to answer questions people may have.

Councilman Lamerson: You are talking about Central Garages, you are talking about hospitals. When we did some of the water conservation issues, we found the biggest users of water were government. I can just about assure you that when we get into this, we will find that some of the major contributors to some of the problems will be government. We will have to figure this one out. We will be telling people they have to come up with a proposal to fix this, when in fact we are part of the problem too.

Councilman Arnold: This is a 99 page document (holding up updated City Code Chapter 2-1). There are several areas where I continue to have issue with some of the remedies and enforcements, inspections that will be addressed over time. It is important to me and the entire Council to see all of the comments and questions from stakeholder meetings. There will be questions from people using the system that we may not be aware of. I think it is important to see a response to those and address them if we have additional questions.

Mark Nietupski: All the questions that have been received and responded to up until this point have been posted on the website. Questions and comments that are generated today will be assembled with appropriate responses provided, and will be presented to the Council and to stakeholders that have interest in the program. It will be a two-way conversation.

Councilman Arnold: As things get posted on the website, it would be helpful for an email to be sent to Council, so that we can easily access them and print them out as they come in.

Mayor Kuykendall: Sooner than later we should be communicating with the County because the County also levies fees on grease traps, interceptors etc. If we have two governmental agencies trying to do the same thing and we end up with a fee from the City, that just won't fly. There is a lot of work to be done in that area, and I'm surprised that we don't already have the County involved already at this point. I think they are a key player. They are responsible in Yavapai County for the health portion of restaurants. If they aren't backing off, we're going to have a hard time latching on.

Mark Nietupski: We will initiate that conversation.

John Nielson/Prescott Brewing Company: When building the plant at the airpark, I looked into wastewater pretreatment based on 500 gallons of wastewater per day. I received bids from \$80,000 - \$1,200,000 just for a small business. If I have to endure that kind of expense, the Prescott Brewing Company probably would not exist. It could not handle that kind of a hit. I understand it has to be done, there are some things that can be done, but I think this impact is going to be much greater on smaller business than what we think. Mr. Nietupski mentioned that they are running a cost benefit analysis, and looking at other communities that have implemented this. Do you have any data available, and if not, when can be able to get that data?

Response: The City is currently working on a cost benefit analysis that will include an assessment of costs and a survey of pretreatment fees from other cities. This document will be made available on the City's pretreatment website when completed. There are going to be some costs incurred by industries and small businesses but it is premature to estimate those costs right now. For example, based on evaluation of the discharge permit application, Prescott Brewing Company may be classified as a non-categorical significant industrial user. Breweries may discharge untreated effluent high in organics, in the form

of Biochemical Oxygen Demand (BOD₅) results over 1,000 mg/L (domestic BOD₅ results are typically less than 300 mg/L). The current BOD₅ limit in the Sewer Use Ordinance, under prohibited discharges, is 300 mg/L. Depending on their operations, the Prescott Brewing Company may be able to implement a lower cost pretreatment system that would include pH control, filtration, and storage of the wastewater in an equalization tank. More information (operational process, strength of wastewater, discharge flows) is needed before deciding on the appropriate pretreatment equipment and best management practices.

Doris Sorelius: I have followed the immense amount of work the City sewer treatment program did, in designing the upgrades of the two sewage plants. Upgrading and maintaining sewage plants cost a lot of money. The pretreatment program is not only necessary – when I moved here 13 years ago, I assumed that we had one. The pretreatment program is something that is going to make sewage treatment more efficient and cost effective, and also upgrading and maintaining the sewage lines that get clogged up with FOG. I do see this as a potential cost savings to the public if we can protect our sewage plant and our sewage lines and also protect the aquifer because the effluent does go into the aquifer. We all have an interest in clean water that will eventually come out of the aquifer. The cost benefit analysis is a really smart idea, because I am sure you will learn that other cities have dealt with the problems of small business and how you take care of the needs of both government and economics of keeping it in business. Best management practices, which I'm sure will be communicated by all the people who go out and visit facilities, large and small. You are going to help teach businesses how to operate more efficiently. I have faith in the owners of businesses in a community to want to be good citizens. The cost benefit analysis will provide a lot of education that can be provided to the businesses. I am in strong support of the pretreatment program. I will learn more about it and submit some written comments.

Greg Lazelle: Is the EPA telling where we need to be, or telling us how to get there? Let alone all the things required when you open a business, inspections and requirements, whether they be EPA, building code, health – I just opened a laundry mat and I will never do another one. Those industries that already have regulations like a mechanic shop, dry cleaner, laundry mat – these are annually items I have to go through – an elevator inspection, boiler inspection, cooking hood, backflow fire sprinkler inspection, fire extinguisher inspection, annual fire inspection, health inspection, City water backflow inspection, and burglar alarm permit. What if we add another layer to these inspections?

Response: The EPA guidance documents for the pretreatment program specify the objectives and required elements of the pretreatment program, but it is up to the local authority (the City) to decide how best to implement and enforce the program.

John Zambrano: I am happy to see that you are going forward with a pretreatment program. I support the comments that Doris Sorelius has made. The treatment plant has had very high increases in organic loads and solids loads. Perplexed as to why these increases have occurred. I look forward to seeing some of the results over time.