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SEP 13 2012

**ORDINANCE NO. 4387**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING A DECREASE IN THE PERMIT SETBACK AREA ESTABLISHED IN ADEQ RULE R18-9-B201(I) FOR THE CITY'S AIRPORT WATER RECLAMATION FACILITY AT THE INTERSECTION OF MCQUEEN AND QUEEN CREEK ROADS.**

WHEREAS, the City of Chandler has applied to the Arizona Department of Environmental Quality (ADEQ) for an Aquifer Protection Permit to allow the expansion of the City's Airport Water Reclamation Facility (the "AWRF"), which is located southwest of the intersection of McQueen Road and Queen Creek Road in Chandler, Arizona; and

WHEREAS, the AWRF expansion will involve the installation of uncovered treatment and disposal components, such as Aeration Basins and Secondary Clarifiers; and

WHEREAS, ADEQ's permit setback requirement applicable to the AWRF expansion, as established under ADEQ Rule R18-9-B201(I), cannot be met unless the City either acquires title to portions of private land parcels adjacent to or near the AWRF or obtains written setback waivers (in the form of buffer easements) from the owners of the private land parcels; and

WHEREAS, ADEQ Rule R18-9-B201(I) also provides for the decrease in the permit setback requirement if allowed by local ordinance, and ADEQ staff has represented in writing that, with respect to the AWRF expansion, the City does have the option of meeting the permit setback requirement by adopting an ordinance that decreases the setback; and

WHEREAS, MUD recommends that the City utilize this option;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

A. In compliance with ADEQ regulations and upon the written representation received from ADEQ staff, the setback area established in ADEQ Rule R18-9-B201(I) for the AWRF is decreased to three hundred feet (300') as measured from the treatment and disposal components installed at the AWRF to the nearest property line of any adjacent dwelling, workplace or private property. No disposal component, treatment component, or any other odor-emitting component of the AWRF shall encroach into the setback area.

B. As used in this Ordinance:

1. A *treatment component* means any part of a plant, device, unit process, or other treatment works used for treating, stabilizing, or holding municipal or domestic sewage at the AWRF; and

2. A *disposal component* means any part of the system for disposing of treated wastewater generated by any treatment works of the AWRF, whether by surface or subsurface methods, but does not include any related reclaimed water distribution system whose activities are regulated under ADEQ Rules found in the Arizona Administrative Code, Title 18, Chapter 9, Article 7.

C. The City shall not operate the AWRF so that it emits an offensive odor on a persistent basis beyond the setback distances stated herein.

D. This Ordinance applies only to the components of the AWRF associated with its function as a wastewater treatment facility, but does not include the components of any related reclaimed water distribution system or the components of any related sewage collection system. A *sewage collection system* means a system of pipelines, conduits, manholes, pumping stations, force mains, and all other structures, devices, and appurtenances that collect, contain, and convey sewage from its sources to the entry of the AWRF.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4387 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, and that a quorum was present thereat.

\_\_\_\_\_  
CITY CLERK

PUBLISHED:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY *GAB*