



Staff Report

Agenda Item: AN ORDINANCE OF THE TOWN MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, CREATING ARTICLE 11-6, SET BACKS FROM ODOR PRODUCING FACILITIES, OF THE CODE OF THE TOWN OF CLARKDALE, ESTABLISHING A SETBACK OF 25 FEET FROM ODOR-PRODUCING COMPONENTS OF THE CLARKDALE WASTEWATER TREATMENT PLANT LOCATED ON APN 400-07-002 – Discussion and consideration of Ordinance #345, an ordinance establishing odor-producing setback requirements for the new wastewater treatment plant.

Meeting Date: November 1, 2012

Prepared By: Wayne Debrosky, Utilities Director

Background: ADEQ requires that all wastewater treatment facilities meet the setback requirements in Arizona Administrative Code (A.A.C.) R19-9-B201(I). If the setback requirements cannot be met on an existing treatment plant site (A.A.C.) R19-9-B201(I)(2)(A) allows municipalities to establish setback requirements that differ from those outlined in (A.A.C.) R19-9-B210(I).

The existing Town of Clarkdale Wastewater Treatment Plant (WWTP) was grandfathered-in and did not have to meet the existing regulatory setback requirements until the Town started the recent WWTP upgrades. As part of the recent WWTP upgrades the Town was required to modify its existing Aquifer Protection Permit (APP) and to address the setback requirements for this facility. If a facility cannot meet setback requirements, municipalities can pass an ordinance reducing the setbacks, or through engineering controls install equipment to address any potential odor issues.

According to Article 11-6 the Town of Clarkdale shall maintain a 25 foot set-back from odor-producing facilities at the Wastewater Treatment Facility site that are constructed without noise or aesthetic controls and are located on Assessor's Parcel Number 400-07-002. Such setback shall be measured from the location of odor producing facility and extend 25' from the outside edges of said odor producing facility.

Recommendation: Staff recommends that the Council approve Ordinance # 345, an Ordinance of the Town Mayor and Council of the Town of Clarkdale, Yavapai County, Arizona, creating article 11-6, Setbacks from Odor Producing Facilities, of the Code of the Town of Clarkdale, establishing a setback of 25 feet from odor-producing components of the Clarkdale wastewater treatment plant located on APN 400-07-002.

TOWN OF CLARKDALE

ORDINANCE NUMBER 345

AN ORDINANCE OF THE TOWN MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, CREATING ARTICLE 11-6, SETBACKS FROM ODOR PRODUCING FACILITIES, OF THE CODE OF THE TOWN OF CLARKDALE, ESTABLISHING A SETBACK OF 25 FEET FROM ODOR-PRODUCING COMPONENTS OF THE CLARKDALE WASTEWATER TREATMENT PLANT LOCATED ON APN 400-07-002.

WHEREAS, the Town of Clarkdale is carrying out a major modification of the existing wastewater treatment plant to increase capacity to 350,000 gallons per day; and,

WHEREAS, the existing wastewater treatment plant was constructed with odor-producing facilities without odor controls; and,

WHEREAS, the plant does not, or will not, produce odors or noise that interferes with the health, safety, and welfare of the citizens of the Town of Clarkdale; and,

WHEREAS, the setback requirements in Arizona Administrative Code (A.A.C.) R19-9-B201(I) cannot be met on the existing treatment plant site; and,

WHEREAS, (A.A.C.) R19-9-B201(I)(2)(A) allows municipalities to establish set back requirements that differ from those outlined in (A.A.C.) R19-9-B201(I);

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, THAT:

Section 1: **Article 11-6, Setbacks from Odor Producing Facilities**, is hereby created.

Section 2: Section 11-6-1 is established as follows:

Section 11-6-1 Setbacks at the Clarkdale Wastewater Treatment Plant

The Town of Clarkdale shall maintain a 25 foot set-back from odor-producing facilities that are constructed without noise or aesthetic controls located on Assessor's Parcel Number 400-07-002. Such setback shall be measured from the location of the odor producing facility and extend 25' from the outside edges of said odor producing facility.

Section 3: All Ordinances and part of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Clarkdale, Arizona this 1st day of November, 2012.

ATTEST:

Mayor Doug Von Gausig

Kathy Bainbridge, Town Clerk

APPROVED AS TO FORM:

By: Robert S. Pecharich
On behalf of: Boyle, Pecharich , Cline, Whittington
& Stallings - Town Attorney

Passed: _____

Published: _____

Effective: _____