ORDINANCE 2016-29

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO WASTEWATER; AMENDING PIMA COUNTY CODE, TITLE 13, CHAPTER 24, SANITARY SEWER USER FEES AND TITLE 13, CHAPTER 20, SANITARY SEWER CONSTRUCTION, CONNECTIONS AND FEES

BE IT ORDAINED BY THE PIMA COUNTY BOARD OF SUPERVISORS:

Section 1. Existing chapter 13.24 of the Pima County Code is repealed and the following chapter 13.24 is adopted:

13.24.100 General Provisions

A. Purpose

This chapter defines how the County will recover Department operating and maintenance costs associated with the management of Sanitary Sewage within the Public Sanitary Sewerage System owned and operated by Pima County.

B. Authority

Pima County is authorized by Arizona Revised Statute (A.R.S.) § 11-264(A) to "purchase, construct or operate a sewage system, including the collection, transportation, pumping, treatment and disposal of sewage, and charge fees and levy taxes". A.R.S. § 11-264(C) provides Pima County with authority to file liens on property for nonpayment of the Public Sanitary Sewage system User Fees.

C. Definitions

The following definitions apply throughout this chapter:

1. "CCF" means a volume unit of measurement for water of one hundred cubic feet, which is equivalent to 748 gallons.
2. "Chemical Oxygen Demand" or "COD" means the amount of chemically oxidizable material in Sanitary Sewage as measured using the most recent U.S. Environmental Protection Agency-approved procedures specified in Title 40 of the Code of Federal Regulations.
3. "Commercial or Industrial User" means a Person discharging Sanitary Sewage into the Public Sanitary Sewerage System from a property zoned or used for recognized commercial or industrial uses. Commercial/Industrial Users include,

but are not limited to: restaurants; bars; laundromats; hotels; motels; offices; in-home businesses with restroom facilities provided primarily for customer use; service stations; barber shops; beauty salons; hospitals; nursing homes; schools; dormitories; churches; penal institutions; utilities; car washes; commercial, medical, and dental laboratories; pet clinics; bakeries; food processing facilities; industrial facilities; manufacturing facilities; machinery fabrication and rehabilitation facilities; and meat packing.

4. "County" means Pima County, Arizona.
5. "Day" means calendar day unless otherwise specified.
6. "Department" means the Pima County Regional Wastewater Reclamation Department.
7. "Director" means the Director of the Pima County Regional Wastewater Reclamation Department or the Director's designated representative
8. "Fiscal Year" means the Fiscal Year of the County, initiating annually on July 1 and ending on June 30.
9. "Hazardous Waste" means any solid waste or combination of solid wastes meeting the definition of "Hazardous Waste" found in Title 40 of the Code of Federal Regulations.
10. "House Connection Sewer" means the private sewer between a free-standing Residential Unit, including appurtenant buildings, and the public or private collection sewer.
11. "Inspector" means a County staff member authorized by the Director to inspect Sanitary Sewage generation, conveyance, treatment, and disposal facilities.
12. "Industrial Wastewater" means Wastewater generated in a commercial or industrial process.
13. "Irrigation Meter" means the Water Meter used to measure potable water flow to uses that do not directly or indirectly result in discharges to the Public Sanitary Sewerage System.
14. "Large Agency" or "Agency" means a unit of federal government or a federally recognized Indian tribe that has contracted or wishes to contract with the County for management or ownership of all or a portion of a Sanitary Sewer system located within the boundaries of property owned by the Agency.
15. "Multi-Family Facility" means a building or group of buildings, each containing more than one Residential Unit, where the Residential Units are not individually metered for water.
16. "Multi-Family User" means a Person managing or controlling a Multi-Family Facility discharging into the Public Sanitary Sewerage System.
17. "Non-Residential User" means any User not meeting the definition of Residential User.

18. "Person" means an individual, firm, company, association, partnership, corporation, joint stock company, trust, estate, municipality, state, interstate body, commission, political subdivision of the state, or the United States Government.
19. "Private Sanitary Sewer System" means a privately-owned sewer or sewer system and related facilities designed to convey Sanitary Sewage from one or more residences or other buildings (including commercial and industrial use structures) to the Public Sanitary Sewerage System. The term includes, but is not limited to, House Connection Sewers and privately-owned pump stations.
20. "Private Water Company" means any entity, except a governmental entity or an entity which is established pursuant to A.R.S. Title 48, which distributes or sells potable water and which is not regulated as a public service corporation by the Arizona Corporation Commission under a certificate of public convenience and necessity. A city or town is not a Private Water Company.
21. "Private Well" means a water well not owned by a governmental entity, special taxing district, or Private Water Company.
22. "Public Sanitary Sewerage System" means the full Wastewater system owned by Pima County, including all gravity sanitary sewer mains; pumping systems; treatment and disposal facilities; and all appurtenances required to collect, transport, treat, monitor, measure, control, store, reclaim, discharge, or recharge the liquid, gaseous, and solid phases of Sanitary Sewage.
23. "Rate" or "R" means the charge in dollars, per one hundred cubic feet (CCF) of potable water usage, adopted by the Pima County Board of Supervisors for the discharge of Sanitary Sewage to the Public Sanitary Sewerage System.
24. "Residential Strength Sanitary Sewage" means Sanitary Sewage produced by a typical Residential Unit without a commercial or industrial operation or discharge.
25. "Residential Unit" means a building or part of building designed for occupancy by one family. Residential Unit includes mobile homes located on separate residential lots or within a mobile home park provided the mobile home has an individual, single lot monthly water usage Volume measurement meter.
26. "Residential User" means a Person discharging Sanitary Sewage from a Residential Unit. Each Residential Users will have an individual, single lot Water Meter, serviced by a Water Company, or will receive potable water from a Private Well. Residential Users are presumed to discharge Residential Strength Sanitary Sewage.
27. "Sanitary Sewage" or "Wastewater" means the wastes from toilets, baths, sinks, lavatories, laundries, drains, and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes, and other places of human habitation, employment, or recreation. Sanitary Sewage includes non-prohibited Industrial Wastewater.

28. "Sanitary Sewer" means a system of pipes for conveyance of Sanitary Sewage into which there is no intentional admission of storm water, surface water, groundwater, or materials toxic to Wastewater treatment processes, unless authorized by the Department.
29. "Septage" has the same meaning as the Septage definition found at subsection 13.36.040(SS) of the Pima County Code.
30. "Septage Discharge Permit" means an individual license, control mechanism, authorization letter, or contract issued by the Director, which allows Septage discharge into the publically owned treatment works.
31. "Service Fee" or "S" means the fixed monthly charge set by the Pima County Board of Supervisors and levied on all Users to cover a portion of the fixed operating and maintenance costs of the Public Sanitary Sewerage System.
32. "Strength" means a measure of the relative impact of Sanitary Sewage on County treatment processes. Strength factors include, but are not limited to, measurements of Chemical Oxygen Demand and Suspended Solids concentrations. Other Wastewater constituent concentrations may be monitored and regulated by the Department as required to comply with state and federal permits and regulations, to protect the Public Sanitary Sewerage System, and to use in recovery of associated Wastewater conveyance and treatment costs. For purposes of calculating User Fees, Residential Strength Sanitary Sewage is used as the baseline.
33. "Strength Adjusted Rate" or "SAR" means the calculated User Fee rates applicable to Non-Residential Users. It is the Residential Strength Sanitary Sewage Rate (R) multiplied by a Strength factor (HS) applicable to each Non-Residential User Class.
34. "Suspended Solids" or "SS" means solids which float on or are suspended in water, Sanitary Sewage, or industrial wastes, and which are removable by a laboratory filtration device. Suspended Solids concentrations are measured using the most recent U.S. Environmental Protection Agency-approved procedures specified in Title 40 of the Code of Federal Regulations.
35. "Unauthorized User" means a Person who connects to, or discharges into the Public Sanitary Sewerage System without the approval of the Department.
36. "User" means a Person who discharges Sanitary Sewage to the Public Sanitary Sewerage System.
37. "User Class" means a grouping of Users having similar discharge Strength, conducting a similar business, or living in a similar dwelling unit type.
38. "User Class Average" means the total monthly metered water usage volume for a User Class divided by the number of Users in the User Class. User Class Average is calculated by the Department at the beginning of each fiscal year using the previous fiscal year's Winter Quarter Average.

39. "User Fee" means the Rate (R) or Strength Adjusted Rate (SAR) times the Volume (V) charge plus the fixed monthly service charge levied on Users of the Public Sanitary Sewerage System pursuant to this chapter.
40. "Volume" or "V" means, for the purposes of this chapter, the lesser of either the User's WQA or the User's actual metered water usage for the month, in CCFs.
41. "Wastewater" means Sanitary Sewage.
42. "Water Company" means any Private Water Company, regulated utility, special taxing district, or governmental water utility providing potable water to Users.
43. "Water Meter" means a device designed to measure potable water usage.
44. "Winter Quarter Average" or "WQA" means a calculated estimate of each User's monthly, potable water usage in CCFs during the months of December, January, and February of the prior Fiscal Year. WQA's are recalculated annually. The recalculated WQA becomes effective on the first day of the new Fiscal Year (July 1) and remains effective until the last day of that Fiscal Year (June 30).

D. Use of Funds.

1. Operation and Maintenance Expense Priority.

   a. Revenues from any source will first be applied to meet all expenses for the operation and maintenance of the Public Sanitary Sewerage Systems, excluding Special Facilities.
   b. Revenues derived from the sale of treatment-related by-products will be applied to offset the operation and maintenance expenses.

2. Bond Indebtedness. After funding the operation and maintenance expenses of the Public Sanitary Sewerage System, User Fee revenues will be applied to Public Sanitary Sewerage System bonded indebtedness and other Public Sanitary Sewerage System funds in accordance with the provisions of revenue bond covenants.

E. User Fee Review.

The Department will annually review User Fee revenues and prepare a Rate and/or Service Fee adjustment request to the Pima County Board of Supervisors if projected revenues will be insufficient to meet the Department's financial requirements. When proposing Rate and Service Fee revisions, the Department will:

1. Maintain a distribution of Public Sanitary Sewerage System operation and maintenance costs among Users; and

2. Generate sufficient revenue to pay the costs of the Public Sanitary Sewerage System operation and maintenance, and debt service payments.

F. Financial Management System.

1. System Maintenance. With the assistance of the Pima County Finance and Risk Management Department, a balanced financial management system will be maintained to accurately account for operation and maintenance costs.
2. Revenues and Expenditures. The financial management system will be based on an adequate budget identifying the bases for determining annual operating and maintenance costs, costs of capacity for growth, and debt service payments.

13.24.200 Account Management.

This section applies to all Users unless the subsection specifically identifies one or more of the User Classes for specific regulation.

A. User Accounts.

Prior to discharging into the Public Sanitary Sewerage System, each User must establish a billing account. Invoices for User Fees will be issued by either the User's Water Company, if that company provides sewer billing services, or by the County or its billing agent.

1. Basis. The account billing will be based on the User Class Average until the User's WQA is available, or unless alternative data (see Section 13.24.200(D) Account Adjustments) acceptable to the Department is provided.
2. Activation Fee. Each new User will pay an activation fee to cover the administrative costs associated with initiating the new account. The activation fee amount is provided in § 13.24.600, Table 4.
3. User Class. Each User is responsible for verifying proper User Class designation upon receipt of initial billing or the first bill indicating a change in designation.
4. Private Well. Users served by a Private Well must provide notice to the Department of any change in User or Owner status.
5. Account Termination.

    a. Termination through a Water Company. Users receiving sewer bills through a Water Company may terminate sewer service by providing notice either to the Water Company or the Department. Failure to provide timely notice will result in continued User Fee liability.
    b. Termination through the Department. Users receiving sewer bills directly from the Department must terminate sewer service by providing notice to

the Department. Failure to provide timely notice will result in continued User Fee liability.

c. Voided Billing. If the Department confirms that a property is not serviced by the Public Sanitary Sewerage System, the User account will be terminated and all outstanding User Fee bills will be voided.

B. User Fee Calculations.

All Users must pay a monthly User Fee for Sanitary Sewage collection, treatment, and disposal services provided through the Public Sanitary Sewerage System.

1. Residential Monthly User Fee Calculation. Each Residential User's monthly User Fee is calculated using the following formula:

Monthly Residential User Fee = S + (V x R) where:

S = Service Fee (in dollars)
V = Volume (in CCF)
R = Rate (dollars per CCF)

2. Non-Residential Monthly User Fee Calculation. Each Non-Residential User's monthly User Fee is calculated using the following formula:

Monthly Non-Residential User Fee = S + (V x SAR) where:

S = Service Fee (in dollars)
V = Volume (in CCF)
SAR = Strength Adjusted Rate = R x HS
R = Rate (dollars per CCF)
HS = Strength factor (from 13.24.600, Table 3)

3. Explanation of User Fee Calculation Factors.

a. Service Fee. The Service Fee is the same for most User Classes but may be reduced for certain qualified low income Users. Service Fees for all User Classes are provided in 13.24.600, Table 1. Criteria for applying for income-based reductions are found in 13.24.200(D)(1).

b. Volume. Volume is determined by one of the three following methods:

i. Water Use Metered by a Water Company. For most Users, the volumetric portion of the User Fee is based on the User's metered potable water usage data received from a Water Company. The metered water usage is seasonally adjusted for billing purposes by

averaging water usage during the months of December, January, and February (the WQA) to account for landscaping irrigation during summer months.

ii. Unmetered Residential Users Connected to a Private Well. For Residential Users whose water usage is not metered by a Water Company, the User Class Average will serve as the Volume.

iii. Non-Residential Users Connected to a Private Well. This provision applies to all Non-Residential Users whose potable water use is not metered by a Water Company.

1) Metered Flow. Non-Residential Users whose potable water usage or potable water flow is metered using a privately-owned meter must annually report meter data to the Department on forms approved by the Director. At a minimum, data will include:

- User's full name and service address;
- Billing address, if different than service address;
- Phone number;
- Account number;
- Water Meter manufacturer and model number;
- Installation date;
- Location of meter;
- Water Meter readings for November, December, January, and February;
- Water Meter volume units, i.e., gallons or CCF.

a) Access. Department Inspectors will have access at all reasonable times to privately-owned potable water flow metering devices.

b) Meter Quality. Privately-owned potable water meters must be equal in quality and purpose to the meters or metering devices used for similar purposes by the City of Tucson Water Department and be maintained according to the manufacturer's specifications.

c) Certain industrial dischargers may, subject to the Director's discretion, install and operate a privately-owned wastewater flow measurement device provided the device and sewer hydraulic

characteristics result in continuous and accurate flow measurement and the device is designed for and used in the municipal wastewater industry. The Department will not purchase, install, maintain, or monitor Sanitary Sewage meters unless fully compensated by the User.

2) Unmetered Flow. For Non-Residential Users without a method to directly measure on-site water use or discharges to the Public Sanitary Sewerage System, the User Class Average will be used to calculate the User Fee unless alternative data acceptable to the Department is provided.

a) The Department reserves the right to measure either potable water usage volume or the Wastewater Volume and Strength and to use such measurements for billing purposes.

b) Department Inspectors will have access at all reasonable times to conduct flow monitoring and sampling.

c) Flow monitoring will be completed using Department standards.

d) Measured data will be used to calculate future User Fees beginning with the next monthly bill.

c. Rate and Strength Adjusted Rate.

i. Rate. The Rate is the same for most Residential Users but may be reduced for certain qualifying low income Users. The Rate is included in 13.24.600, Table 2.

ii. Strength Adjusted Rate (SAR). The Non-Residential User's SAR is a multiple of the Residential User Rate. It adjusts the Rate to account for the County's additional cost to manage Non-Residential Sanitary Sewage. The SAR is calculated by multiplying the Rate (R) times a Strength factor (HS). Strength factors for Non-Residential User Classes are determined by the Department from industrial averages and from direct monitoring of representative Non Residential User discharges. SAR values for all Non-Residential User Classes are included in 13.24.600, Table

3. The Department reserves the right to calculate a site-specific SAR at any time based on measured Wastewater Strength.

4. Director's Discretion. The Director, upon a finding that the methods enumerated in Chapter 13.24.200(B) do not reasonably reflect the average Volume discharge of a User Class, may establish a more accurate method and notify the affected Users.
5. False Data Penalty. Filing false data is subject to the penalties of A.R.S. § 39-161.

C. User Billing.

1. Payment Due. User Fees are due and payable at the Department's billing office no later than twenty (20) Days after the "service to" date on the bill.
2. Notification. At the beginning of each Fiscal Year, and in conjunction with a regular bill, each User will be notified annually of the Rate and Service Fee being applied to the User Class.
3. User Fee Changes. The changes in User Fee Rates and charges will be reflected in sewer User bills beginning with the first billing cycle after the effective date of the Ordinance or as determined by the dates referenced within the code changes.
4. Exclusion. Special Facilities are excluded from annual Rate notifications (See Section 13.24.400).
5. Sub-billings. Users charging a User Fee to a third party for services provided by the Department (such as landlords issuing User Fee sub-billings to tenants) must state the User Fee amount billed by the Department as a separate item on all sub-billings.

D. Account Adjustments.

1. Income Based Adjustments Available to Residential Users. Any Residential User whose current household income meets the following requirements may apply for a reduced User Fee. Income eligibility is subject to verification by the Department's agent during the application process.

   a. Class 1A Income Adjustment. Any Residential User whose current household income is at one hundred (100) percent or less of the federal poverty level guidelines may apply for re-designation to User Class 1A.
   b. Class 1B Income Adjustment. Any Residential User whose current household income is greater than one hundred (100) percent but is less than or equal to one hundred and twenty-five (125) percent of the federal poverty level guidelines may apply for re-designation to User Class 1B.

c. Class 1C Income Adjustment. Any Residential User whose current household income is greater than one hundred and twenty-five (125) percent but is less than or equal to one hundred and fifty (150) percent of the federal poverty level guidelines may apply for re-designation to User Class 1C.

d. Disclosure. To qualify for an income based adjustment, applicants must disclose all reportable income sources, including but not limited to: employment, interest, benefits, investments, rentals, businesses, and other support. False reporting or failure to comply with these reporting requirements may result in immediate termination of the low income status. Filing false data may also result in penalties under A.R.S. § 39-161.

e. Status Duration. Residential Users may qualify for an income based adjustment under a temporary or long-term status.

   i. Temporary Status. Residential Users may be eligible for temporary status based on special circumstance such as proof of zero income, low-income, or unemployment benefits. Residential Users qualifying under a temporary status will have a valid adjustment for one (1) year following the approval by the authorized County agency. Users in this group must recertify and provide all necessary income documentation prior to the end of each qualifying year to remain eligible for the following year. Failure to recertify will result in automatic re-classification to User Class 1.

   ii. Long-Term Status. Residential Users may be eligible for long-term status based on proof of fixed income from sources such as Social Security, Social Security Income, Social Security Disability Income, or a qualifying pension. Users qualifying for long-term status will have a valid adjustment for three (3) years following the approval by the authorized County agency. Users qualifying for long-term status must recertify and provide all necessary income documentation prior to the end of the third qualifying year to be eligible for the following three (3) years of income-based adjustments.

f. Reapplication Limit. There is no limit on the number of times a Residential User may re-apply for an income-based reduced Residential User Fee.

2. New Move-In. A one-time new move-in adjustment may be made to User Fees based on documentation of the first two full months' of actual metered water usage.

   a. This adjustment is available when a new User demonstrates that the User Class Average is greater than the actual water use.
   b. Other adjustments provided in this subsection D will not be made when a new move-in adjustment has been granted.

3. Winter Quarter Average. The Director may approve use of actual Volume data if the actual Volume data is lower than data used for the Winter Quarter Average calculation and:

   a. All challenges to changes in Winter Quarter Average (WQA) must be submitted to the Department within sixty (60) Days of the User's receipt of the first invoice showing the billing changes.
   b. The actual water usage for three (3) consecutive alternate months that are lower than December, January, and February is brought to the attention of the Department.
   c. The alternative data must reflect the same Fiscal Year as the WQA calculations.
   d. The WQA adjustment may be made for the Fiscal Year in question, from the date the data was received by the Department.
   e. Any data for adjustments must be submitted annually for each Fiscal Year.
   f. Other adjustments provided in this subsection D will not be made when a WQA adjustment has been granted.

4. Vacancy. A User may request an adjustment based on monthly vacancy information.

   a. The User must provide thirty (30) Days prior notice of vacation, tenant vacancy, or other verifiable cause of non-occupancy resulting in no discharge to the sewer system.
   b. Other adjustments provided in this subsection D will not be made when the vacancy adjustment has been granted.

5. Irrigation Flow
   A User's bill may be reduced to reflect the volume of water, as measured by an Irrigation Meter that is consumed in outdoor irrigation or similar outdoor use. Subject only to the following exceptions, all Irrigation Meters must be installed, read, and reported by a Water Company.

a. Grandfathered Status Exception. Only Users operating privately-owned Irrigation Meters who submitted annual irrigation adjustments for the 2015-2016 Fiscal Year are eligible for grandfathered status. Eligibility is also subject to the following:

i. Operation Requirements. All Users operating Irrigation Meters in grandfathered status must comply with the following criteria:

1) Irrigation Meter Maintenance. The Irrigation Meter must be maintained according to the manufacturer's specifications.
2) Access. Department Inspectors will have access to Irrigation Meters and related water distribution lines at all reasonable times.
3) Replacement. Failed or inaccurate Irrigation Meters in grandfathered status must be replaced with an Irrigation Meters installed, read, and reported by a Water Company.

ii. Data Reporting. Grandfathered status Users must:

1) Have initially registered the User's name, and property owner's name, Irrigation Meter make and model number, and Irrigation Meter location with the Department.
2) Annually request adjustments on a Director-approved form by reporting the information specified in 13.24.200(B)(3)(iii).

iii. Forfeit of Grandfathered Status. A grandfathered User will forfeit the right to use a privately-owned Irrigation Meter if there is a:

1) Change in User or property ownership;
2) Failure to submit annual data by June 30th;
3) Failure to accurately read and provide data;
4) Failure to maintain the meter to manufacturer's specifications; or
5) Failure to comply with any other requirement of this subsection.

b. Volume Adjustments for Non-Residential User Classes. A User's Volume contribution may be adjusted from the WQA to one hundred (100) percent of the Wastewater flow measured by:

i. Direct Wastewater meter reading; or
ii. A combination of direct Wastewater flow meter readings and metered monthly water consumption; or
iii. Other acceptable methods approved by the Department.

c. The Director may, on a case-by-case basis, allow for use of privately-owned, non-residential Irrigation Meter if the User is a customer of a Water Company that does not install, read, and report Irrigation Meters. Users operating Irrigation Meters pursuant to this exception must comply with all requirements of the grandfathered status exception above.

6. Class Adjustments and Monitoring for Non-Residential Users. User Class re-designations may be made by the Department at any time based on COD, SS, or other identified constituent data which are reported to the Department by the User and form the basis for that User Class.

a. All challenges to changes in User Class must be submitted, in writing, to the Department within sixty (60) Days of the User's receipt of the first invoice showing the billing changes.
b. Verification. User submitted data is subject to County verification. Prior to completing a User Class re-designation pursuant to this subsection, the Department will obtain at least two (2) twenty-four (24) hour samples and flow measurements.
c. Detected Differences. If subsequent measurements or other investigations reveal that such User is discharging COD, SS, or other identified constituent data significantly in excess of that reported to the Department:

i. The Director may assess and reclassify such User according to the data obtained by the Department retroactive to the time of the User's latest data report.
ii. The Director may assess applicable delinquency charges, penalties, and interest as provided in 13.24.200 or in Chapter 13.36 of the Pima County Code.

7. Adjustments Available to Multi-Family Class. A Multi-Family User whose billing is based on WQA or the User Class Average may request an adjustment based on average monthly unit occupancy for the previous Fiscal Year.

   a. The data may be used to derive an average annual percentage of unit occupancy by which the WQA consumption determination will be adjusted.
   b. The User will provide verifiable occupancy data for every month of the previous Fiscal Year.
   c. The occupancy data will be filed within sixty (60) Days after receipt of a bill reflecting a new User Fee or User Class.
   d. The data may be used to adjust only the applicable Fiscal Year.
   e. Any adjustment will be subject to a reporting schedule, verification procedures, or other conditions of service required by the Department.

8. Measured Volume Primacy. The Department bases billing on estimated discharge volumes. The Department may, at any time, use measured discharge Volume in place of estimates when calculating User Fees.

9. Penalties for False Data. A User filing false data is subject to the penalties of A.R.S. § 39-161.

E. Securing User Account Payment.

1. Overdue Accounts.

   a. Overdue Accounts. For sewer only accounts:

      i. Unpaid User Fees are overdue after thirty (30) Days from the "service to" date on the User Fee bill.
      ii. Overdue Fee. If the unpaid balance is not paid within ten (10) Days from the date of the overdue notice, an Overdue Fee will be assessed and the Director may take appropriate legal actions to ensure that the delinquency is paid. The Overdue Fee is provided in 13.24.600, Table 4.

   b. Deposits. The Director may require a User Fee deposit to ensure payment. The amount of the deposit will not exceed the User's estimated User Fee for the following twelve months.

F. Unauthorized Use of Sanitary Sewer.

1. Determination. Unauthorized Users of the Sanitary Sewer may be identified by dye test, physical connection, CCTV, or a preponderance of evidence such as existing connection permits, pretreatment inspections, pretreatment permits, or other reasonable methods.

2. Responsibility for Fees. If testing or other evidence indicates a property is connected to the Public Sewer System, the owner of the property is responsible for any unpaid fees for the connection and discharge into the Public Sewer System.

   a. User Fees. Unauthorized Users will be billed past User Fees based on the appropriate yearly User Class Average for five (5) years or the connection date, whichever is less.
   b. Interest. Interest will be assessed on the recovered amount at a rate of prime plus one (1) percent per year.
   c. The Director retains the right to:

      i. Pursue the collection of User Fees beyond five (5) years. The collection of past User Fees may extend to the connection date, or to June 30, 1979.
      ii. Waive all or part of the unpaid User Fees based on undue hardship such as for those used to qualify for an income based billing adjustment in 13.24.200(D)(1).

   d. Establishment of Connection Date. If evidence, such as a User account for the property, exists, the date of connection is presumed to be the date supported by the evidence. If a connection date cannot be established, the Department will utilize the unauthorized User's first date of possession of the property as the connection date.

3. User Fee Recovery.

   a. Fees. If a property is found to be connected to the Public Sanitary Sewerage System, and there is no User account associated with that property, the property owner, occupant, or other Person responsible for the discharge will be billed an Account Activation Fee, an Unauthorized Use Recovery Fee, and past due monthly User Fees. These Administrative Fees are provided in 13.24.600, Table 4.
   b. Fines or Action. Non-Residential Unauthorized Users are subject to relevant fines or action specified under Chapter 13.36 Industrial

Wastewater Ordinance for any violation of that portion of the Pima County Code.

4. Legal Action Fee and Cost Recovery.

a. Interest. For delinquent charges that require legal action for collection, Interest will be assessed on all past due amounts at a rate of prime plus one (1) percent per year from the date of the delinquency.

b. Lien and Judicial Action. Pursuant to A.R.S. § 11-264, the County may file a lien on a property for the nonpayment of User Fees. The County may also, pursuant to its general authority, pursue judicial enforcement for nonpayment of User Fees. The County reserves the right to take either action at any time if the payment of the fees are delinquent for more than ninety (90) Days.

c. Sale. The County, at its discretion, may seek a judicial judgment of foreclosure and order of sale to enforce its lien.

G. Dye Testing

1. Determining Whether Property is Connected to the Public Sewer System. Where the Department does not have a record of an inspected Sanitary Sewer connection permit for a property, a dye test may be performed at either the Department's or the User's request.

a. For User Fee Disputes

i. If the dye test is requested within sixty (60) Days of the recipient's initial billing date, the dye test will be performed at the expense of the Department, but

ii. If the dye test is requested after said sixty-Day (60-Day) period, the dye test will be performed at the expense of the requester. Fees for dye testing are provided at § 13.24.600, Table 4.

b. For Confirmation During Property Transfer. Owners or potential purchasers (or their agents) may request a Department-performed dye test to confirm connection of a property to the Public Sewer System. Fees for dye testing are provided at § 13.24.600, Table 4 and must be paid prior to testing.

c. Multiple Dye Tests. In some situations, multiple dye tests may be required. Fees for multiple dye tests are provided in 13.24.600, Table 4 as related to the connection to the Public Sanitary Sewerage System. The

Department will perform multiple dye tests when the testing can be performed with the following constraints:

i. When the dye tests can be performed within a single service visit;
ii. A single requestor (representing a single owner) is requesting the dye test; and
iii. There are two or more units located on a single property, or are on properties that are contiguous.

d. Department Initiated. The Department may, at its own cost and with the owner's permission, perform a dye test or CCTV for connection verification in order to clarify User Fee and billing status.
e. CCTV. At the discretion of the Director, a CCTV inspection may be required in conjunction with a dye test. When film is available, the Department may review CCTV film in lieu of a full CCTV inspection. CCTV fees are provided in 13.24.600, Table 4.

H. User Protest.

1. Submission. Any User may, within sixty (60) Days after receipt of a bill reflecting a new WQA, User Class designation, or an Unauthorized Use Fee may protest, in writing, to the Director requesting a review of the change. Written protests will include itemized objections and will include all necessary documentation in support of the objections.
2. Failure to Make Timely Protest. Failure to protest within sixty (60) Days following receipt of a bill precludes any adjustment or refund for payments made for the period prior to the date of protest.
3. Burden of Proof.

a. Users will have the burden of showing that any or all of the computations were erroneous, misapplied, or based on substantive proof of alternate normal water consumption for the previous Fiscal Year.
b. The Department reserves the right to conduct monitoring to verify the User's claim. Monitoring conducted by the Department at the User's request will be at the User's expense.
c. Protest of unauthorized use for older connections

4. Director's Proceedings.

a. Rules. The Director may propose rules applicable to protest proceedings. The Director may adopt standards for measuring the applicability of established fees and monthly discharge factors for the protesting User.

b. Findings. The Director, upon finding that a User's protest is justified, will adjust the established User Fee or User Class designation and make equitable reimbursements for overpayments and, consistent with the limitations of this chapter.

c. Adjustments. The adjustments based on the Director's findings may require either account adjustments to the User from the County, or additional payments by the User to the County.

i. Account Adjustments. Account adjustments by the County to Users will be made within sixty (60) Days of the protest resolution.

ii. Payment. Upon protest resolution, the User will have thirty (30) Days to pay the amount due to the County.

I. Cost Recovery for Nonstandard Events.

1. Residential Misuse of a Sewer Connection. The County reserves the right to reclassify a Residential User to Non-Residential User status and assign an applicable Strength Adjusted Rate to the User if monitoring or other reliable and verifiable information exists indicating the User is discharging Wastewater to the Public Sanitary Sewerage System that is inconsistent with Residential Strength Sanitary Sewage.

2. Hazardous Waste and Prohibited Substances. In addition to any User Fees established by this chapter, a User who is detected discharging any Hazardous Waste or any other prohibited substance into the Public Sanitary Sewerage System in violation of Chapter 13.36 of the Pima County Code will be subject to the increased cost of the treatment of the prohibited discharge. This provision will not preclude the Director from imposing the additional penalties provided in Chapter 13.36 of the Pima County Code.

3. Sanitary Sewer Overflow Cost Recovery. The County reserves the right to recover the Department's cost of remediating sewer impacts to public property resulting from User-caused sanitary overflows.

13.24.300 Septage Authorization, Receiving, and Billing.

A. Account and Permit. No Person will discharge Septage into the Public Sanitary Sewerage System unless authorized by a Septage Discharge Permit or a temporary special authorization issued as required in Chapter 13.36 of the Pima County Code, in writing, by the Director. Each Septage Discharge Permit will require the permittee to

establish and maintain a Septage discharge billing account with the Pima County Finance and Risk Management Department.

1. Billing.

   a. Permitted Dischargers.

      i. Septage Discharge Permit holders will pay Septage Discharge fees through a billing arrangement as provided in the Septage Discharge Permit.
      ii. All Septage discharge fees are due and payable within thirty (30) Days of receipt of the invoice.

   b. Special Authorization Dischargers.

      i. Any Person discharging Septage through temporary special authorization of the Director will be billed subsequent to the discharge of the Septage.
      ii. Fees are due and payable within thirty (30) Days of receipt of the invoice.

B. Septage Discharge Fees.

1. Fee Requirement. Any Person discharging Septage into the Public Sanitary Sewerage System must pay Septage discharge fees.
2. Discharge Fee. The fee for any Person discharging Septage to any portion of the Public Sanitary Sewerage System is calculated using the per gallon rate provided in 13.24.600, Table 5.
3. Review. The Septage discharge fee will be reviewed periodically by the Department to ensure that it generates sufficient revenue to pay the costs of construction, operation, maintenance, repair, and replacement of the Septage receiving station and the associated costs to treat the Septage.

C. Septage Payment Deposit.

1. Deposit. Any Person whose Septage discharge payment is more than thirty (30) Days in arrears may be required to provide a deposit or retainer in a reasonable amount as determined by the Director as a condition of continuing to discharge.
2. Use of Deposit. The Director may apply the deposit or retainer against any amount unpaid sixty (60) Days after the date of billing.

3. Suspension or Termination. The Director may suspend or terminate a Septage Discharge Permit for non-payment of the Septage discharge fee.

D. Legal Action Fee and Cost Recovery. Provided in Chapter 13.24.200(F)(4), Industrial Wastewater Ordinance Chapter 13.36.220, and the Industrial Wastewater Control Enforcement Response Plan for legal action cost recovery.

E. Septage User Protest.

1. Protest. Fee protests, including suspension or termination of discharge privileges, must be made to the Director, in writing, within thirty (30) Days following notice to the discharger.

13.24.400 Special Facilities.

A. Defined.

1. Special Facilities are defined in Section 13.20.020(51) of the Pima County Code.
2. If there is a Commercial or Industrial component to the discharge, provided in Chapter 13.36 Industrial Wastewater Ordinance of the Pima County Code.

B. Special Facilities Charges. Special Facility charges may be levied as a separate bill within the County financial management system. The User Volume and the actual operational and maintenance costs may be used as factors in the billing calculation.

C. Access. Department Inspectors will have access at all reasonable times, to metering devices as well as treatment and conveyance areas maintained by agreement, on all Private Sanitary Sewer Systems.

D. Legal Action Fee and Cost Recovery. If the County is required to take legal action to recover costs, the provisions of section 13.24.200(F)(4) apply.

13.24.500 Large Agency.

A. Charges. User Fees for Large Agencies may be levied as a separate bill within the County financial management system. The User Volume, Strength, and the actual operational and maintenance costs attributable to the Large Agency may be used as factors in the billing calculation.

B. Agreement. Large Agencies will enter into a written agreement with the County including but not limited to the following:

1. User Fees. Large Agency-specific User Fees will be established based on a review of Department costs to provide service to each Large Agency. Factors involved in developing the User Fees include, but are not limited to:

   a. A fee reimbursing the Department for the increased costs to operate and maintain the non-public portion of the sewer system within the Agency, as well as cover the impact of the Agency on the Public Sanitary Sewerage System.
   b. The reimbursement time period and the method of reimbursement.
   c. The Volume, Strength, or chemical data from the Large Agency discharge.
   d. The User Fee may be either a uniform, fixed monthly charge, or another method as determined by the Director.
   e. Additional User Fees such as Service Fees and Rates.

2. Pretreatment. For Large Agencies where the County does not have direct enforcement authority against the discharger, the Large Agency will be required to develop its own Pretreatment program by:

   a. Adopting a pretreatment sewer use ordinance that is no less stringent than as those provided in Chapter 13.36 Industrial Wastewater Ordinance of the Pima County Code; and
   b. Instituting pretreatment plans, agreements, and reporting for dischargers that is no less stringent than as those provided in Chapter 13.36 Industrial Wastewater Ordinance of the Pima County Code.

3. Capacity Management, Operations, and Maintenance (CMOM). When appropriate, CMOM, as well as spill prevention, may be specified to:

   a. Ensure that the operation and maintenance of the Agency's Sanitary Sewer System is in compliance with the Department's CMOM Permit, inclusive of:

      i. A capacity assurance program;
      ii. A spill prevention program;
      iii. A spill reporting program; and
      iv. An operation and maintenance program.

   b. Repair and replace components utilizing an asset management plan.

4. Permissions and Assurances. The agreement will also provide the Department with authority to:

   a. Review records and data for pretreatment, maintenance, and CMOM programs.
   b. Periodically review the appropriateness of the reimbursement amounts.
   c. Assure that there is payment of all connections and User Fees for each connection and User within the Large Agency boundaries.

C. Access. Department Inspectors will have access at all reasonable times to metering devices on the Large Agency's Sanitary Sewers and other appurtenances specified within the agreement. Department maintenance personnel, equipment, and any other Department staff necessary to complete the agreed support tasks will have access at all reasonable times to manholes, metering devices, and any other appurtenances on the Agency's Sanitary Sewers as specified within the agreement.

D. Legal Action Fee and Cost Recovery. If the County is required to take legal action to recover fees, the provisions of section 13.24.200(F)(4) apply.

13.24.600 Tables of Service Fees, Rates, and Administrative Fees.

Table 1 Monthly Service Fee for All Users			
User Class	**Class Name**	**Billing Class**	**Fee**
1	Residential	R	$12.63
1A	Income Reduced Residential	RA	$3.16
1B	Income Reduced Residential	RB	$6.32
1C	Income Reduced Residential	RC	$9.47
2A	Multi-Family	MF	$12.63
2B	Commercial	C	$12.63
3A through 5S	Industrial	SA through SP	$12.63

Table 2 Rate for Residential Users			
User Class	**Class Name**	**Billing Class**	**Rate (dollars per CCF)**
1	Residential	R	$3.523

1A	Income Reduced Residential	RA	$0.881
1B	Income Reduced Residential	RB	$1.762
1C	Income Reduced Residential	RC	$2.642

Table 3

Rates for Multi-Family, Commercial, and Industrial Users

User Class	Class Name	Billing Class	Strength Factor	Rate (dollars per CCF)
2A	Multi-Family	MF	1.0	$3.523
2B	Commercial	C	1.0	$3.523
3C	Auto body and fender repair	SA	2.10	$7.398
3K	Mortuary	SB	1.09	$3.840
3N	Laundromat	SC	1.09	$3.840
4E	Pet clinic	SD	1.20	$4.228
4G	Restaurant, with seating and china	SE	2.03	$7.152
4H	Restaurant, fast food	SF	2.32	$8.173
5A	Car wash, self-service	SG	1.19	$4.192
5C	Bottling company	SI	1.68	$5.919
5F	Printing; copying	SJ	1.01	$3.558
5G	Electrical component manufacturer	SK	1.14	$4.016

Table 3 Rates for Multi-Family, Commercial, and Industrial Users				
User Class	Class Name	Billing Class	Strength Factor	Rate (dollars per CCF)
5I	Industrial laundry	SL	1.06	$3.734
5J	Bakery	SM	3.63	$12.788
5K	Miscellaneous food processor	SN	2.33	$8.209
5L	Chemical, pharmaceutical	SO	1.25	$4.404
5M	Meat packing	SP	2.38	$8.385
5S	Car wash, full service	SH	1.23	$4.333

Table 4 Administrative Fees for All Users		
Service	Description and/or Cross-Reference	Amount
Account Activation Fee	The account activation cost recovery. See Section 13.24.200(A)(2).	$20.00
Overdue Fee	Recovering the unpaid balance due on the account, including legal action costs. See Section 13.24.200(E)(1).	$48.00
Unauthorized Use Recovery Fee	Research and time recovering unpaid fees. See Section 13.24.200(F)(3).	$68.00
Dye Test – Connection Location Single Property*	See Section 13.24.200(G).	$207.00

Dye Test – Connection Location Multiple Properties*	See Section 13.24.200(G).	$207.00 + $23.00 per additional unit
Review of Existing CCTV Video for Connection Location*	See Section 13.24.200(G).	$88.00
Acquire CCTV Video for Connection Location*	See Section 13.24.200(G).	$404.00
*Connection to the Public Sanitary Sewerage System. CCTV use is at the discretion of the Department and in addition to Dye Testing.		

Table 5

Septage Discharge Rate for Septage Disposal Users

Name	Description	Rate (dollars per gallon)
Septage Rate	See Section 13.24.300(B)	$0.14

SECTION 2. Section 13.20.020, Definitions, of the Pima County Code is hereby amended as follows to include a new definition of "Special Facility" and subsequent paragraphs within the section are renumbered:

13.20.020 - Definitions.

The following definitions apply throughout this chapter:

1. "Applicant" means the owner or a representative of the owner of the property or unit requesting connection to the public sanitary sewerage system of Pima County.
2. "Approved" or "approval" means approved or approval in writing.
3. "Area under development" means the property for which sanitary sewerage service is requested by the applicant, and the rights-of-way and easements that abut this property.
4. "Assignment" means the conveyance of sanitary sewer connection fee credits by the credit-holder to a subsequent purchaser of all or any part of the area under development specified in the credit agreement.
5. "Augmentation" means the construction of public sanitary sewerage facilities adjacent to or in replacement of existing public sanitary sewerage facilities for the purpose of increasing the capacity of the public system.
6. "Base sanitary sewerage facility size" means the minimum capacity sewage conveyance facility that is required to convey the predicted peak dry-weather

wastewater flow from the area under development without exceeding a flow depth of 0.75 d/D (where d is the depth of flow and D is the diameter of the pipe) based on the Manning Equation using an "n" value of 0.013.

7. "Building connection sewer" (or BCS) means the private sewer between the commercial or industrial building or any building that does not qualify as residential under this chapter and the public or private sewer collection line.
8. "Ccf" means one hundred cubic feet of flow or approximately seven hundred forty-eight gallons.
9. "Chemical oxygen demand (COD)" means the chemically oxidizable material in wastewater as represented by the reduction of dichromate ion, measured according to the procedures in Standard Methods.
10. "Combined sewer" means a sewer for the conveyance of both wastewater and storm flow or surface water. Combined sewers are not authorized in Pima County.
11. "Commercial/industrial" means a property zoned or used for recognized commercial or industrial uses. Commercial/industrial uses include, but are not limited to, restaurants, bars, Laundromats, hotels, motels, offices, in-home businesses with rest room facilities provided primarily for customer use, service stations, barber shops, beauty salons, hospitals, nursing homes, schools, churches, penal institutions, utilities, car washes, medical and dental laboratories, pet clinics, bakeries, industries, manufacturing, machinery and meat packing.
12. "Connection fee" means the fee paid to Pima County for permission to connect to the public sanitary sewerage system, as set forth in Section 13.20.040.
13. "Connection fee over-sizing credit" means a credit for eligible construction and engineering costs, not including easement costs, of over-sizing, augmenting or providing flow through of public sanitary sewerage facilities, to be applied against an applicant's sewer connection fees.
14. "Connection fee discount" means a reduction in the connection fees charged as compensation for the cost of constructing a qualifying public sewer improvement.
15. "County" means Pima County, Arizona.
16. "Credit agreement" means an agreement between an applicant and Pima County for reimbursement by connection fee over-sizing credits for the credit eligible construction costs of over-sizing or augmenting public sanitary sewerage facilities directed by the department.
17. "Currently served area" means any property that abuts an existing public gravity sanitary sewer.
18. "Department" means Pima County regional wastewater reclamation department.
19. "Developer" means one or more individuals or incorporated entities that pay the costs of connection fees, and constructing qualifying public sanitary sewerage system improvements if required.
20. "Development" means one or more properties in common ownership.
21. "Director" means the director of the department or any employee of the department to whom the director may by order delegate the authority to carry out his functions under this section, or any person who shall by operation of law be authorized to carry out such functions.
22. "Disposal systems" means a device or system for the treatment or disposal of sanitary sewage, either by surface or underground methods, and includes the

associated sewage plumbing systems, treatment works, disposal wells and other systems.

23. "Fixture unit equivalent" means a unit of measure which expresses the potential loading on the public sanitary sewerage system of different kinds and sizes of plumbing fixtures.
24. "Flow-through reach of sanitary sewer" means that part of a sanitary sewer that is located within a development, extends through to the upstream boundary of the development and terminates at a standard manhole.
25. "Gpd" means gallons per day.
26. "House connection sewer" (or HCS) means the private sewer between the residential building and the public or private collection sewer.
27. "Individual disposal system" means a privately owned and maintained device or system for the treatment or disposal of sewage from a single housing or business unit.
28. "Letter agreement" means a written agreement between Pima County and applicant that specifies the required improvements and development time period for the applicant to construct on-site or non-qualifying off-site improvements in exchange for the county's commitment to provide sewer service. A letter agreement does not guarantee that capacity is available.
29. "Model plan" means a standard set of construction drawings for buildings which builders may use on several lots within a development.
30. "Mg/l" means milligrams per liter, a weight-to-volume relationship; for dilute aqueous solutions, the milligrams per liter relationship is closely equivalent to parts-per-million.
31. "Multi-family" means more than one residential unit on a single lot. This includes duplexes, townhomes, condominiums, and apartments.
32. "Off-site sanitary sewerage improvements" means all sanitary sewerage construction necessary to connect on-site facilities to an existing public sanitary sewerage system as required by the department.
33. "On-site sanitary sewerage improvements" means all sewerage system facilities within the area under development.
34. "Qualifying public sewer improvement" means an addition to the public sewer system conforming to the requirements of Section 13.02.045(C).
35. "Over-sizing" means the increase in size of a public sanitary sewerage facility which is required to serve property not owned by the applicant.
36. "Owner" includes one possessing an option to purchase.
37. "Private low pressure sewer system" means a complex form of a private sanitary sewage conveyance system that typically serves several properties; each property operates its own private wastewater pumping system that pumps to a common pressure sewer that, in turn, conveys the wastewater to the public sanitary sewage conveyance system.
38. "Private sanitary sewage conveyance system" means a sewer connecting a residence or other building to the public sanitary sewer system. The term includes house connection sewer (HCS) building connection sewer, private wastewater pumping system, and private low pressure sewer system.

39. "Private wastewater pumping system" means a pump and pressure sewer system built to pump wastewater from one or more private properties to the public sanitary sewage conveyance systems.
40. "Property" means a contiguous parcel of land either in common ownership or as identified by a single county tax code number.
41. "Public sanitary sewage conveyance system" means those parts of the public sanitary sewerage system that convey sanitary sewage from the points of connection of any private sanitary sewage conveyance system to the public wastewater treatment and disposal facilities.
42. "Public sanitary sewerage system" means the system owned by Pima County including all gravity sanitary sewer mains; wastewater pumping systems; treatment and disposal facilities; and all appurtenances required to collect, transport, treat, store, reclaim, discharge or recharge the liquid and solid phases of wastewater.
43. "Rebate" means the repayment to an applicant by Pima County of the cost of a public sewer facility installed by the applicant.
44. "Rebate line" means a line constructed to provide service to an area under development which also provides at least fifty-one percent of its residual capacity to currently unsewered properties which did not participate in the cost of its construction.
45. "Residential" means a building designed to be used as a single-family dwelling. This single family home will have an individual water meter serviced by the water provider.
46. "Residual capacity" means the difference between the predicted peak dry-weather flow from the development constructing the facility and the theoretical flow in the facility at 0.75 d/D (where d is the depth of flow and D is the diameter of the pipe) based on the Manning Equation using an "n" value of 0.013.
47. "Sanitary sewage" means the wastes from toilets, baths, sinks, lavatories, laundries, drains, and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes and other places of human habitation, employment or recreation.
48. "Sanitary sewer" means a separate sanitary sewer (and not a combined sewer) for conveyance of sanitary sewage or industrial wastewaters, and into which there is no intentional admission of storm, surface, or ground water, or of industrial wastes toxic to treatment processes unless, authorized by the department.
49. "Sewerage facilities" and "sewerage systems" means both sanitary sewage conveyance and treatment facilities and the associated appurtenant systems.
50. "Sewer service agreement" means a formal agreement between Pima County and applicant that specifies the required improvements that will be made by the applicant. The sewer service agreement shall also document requirements for over-sizing, augmentation or flow-through; or connection fee discounts or connection fee over-sizing credits (Section 13.20.045(B)). A sewer service agreement does not guarantee that capacity is available.
51. "Special facility" means a sanitary sewage treatment or conveyance facility constructed by a governmental agency or developer for a non-County project that is intended to be accepted into the Public sanitary sewerage system, and which

requires additional operation and maintenance expenditures above those generally associated with subdivision gravity sewer functionality (e.g. pump station system, odor control system, package treatment system).

~~51~~52. "Standard methods" means the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

~~52~~53. "Strength" means the relative difficulty of treatment of wastewater, expressed in terms of chemical oxygen demand and suspended solids.

~~53~~54. "Submission" means the complete presentation of the required documents and fees to the department.

~~54~~55. "Total solids" means the total solids content of wastewater which is all the matter that remains as residue from a sample upon evaporation at one hundred three degrees to one hundred five degrees Celsius according to the procedures in Standard Methods.

~~55~~56. "Transfer" means the ability to use connection fee credits on any property owned by the credit holder in Pima County except as otherwise specified or limited in a credit agreement.

~~56~~57. "Unit" means an element of property development, either dwelling, fixture or building, which can be identified as an individual entity for purposes of wastewater flow calculations and connection fee assessment.

~~57~~58. "Up gradient" means potential development that may discharge into the gravity sewerage system of the proposed development.

~~58~~59. "Wastewater" means sanitary sewage.

~~59~~60. "Wastewater system" means the sanitary sewerage systems and wastewater treatment works of Pima County.

~~60~~61. "Wastewater treatment facility" means any plant, disposal field, lagoon, pumping station, incinerator, or other works used to treat or stabilize sanitary sewage.

SECTION 3. Section 13.20.060, Septage Disposal, of the Pima County Code is deleted in its entirety.

~~13.20.060 - Septage disposal.~~

~~A. Definitions. For the purposes of this section, unless the context indicates otherwise, certain words and phrases used in this section are defined as follows:~~

~~"Hazardous waste." Hazardous waste shall have the same meaning as defined in 40 CFR 261.3.~~

~~"Permit" means the industrial wastewater discharge permit.~~

~~"Septage" means anaerobic wastewater originating from a domestic source, be it from a residential, commercial, or industrial facility, that is not hazardous waste and is compatible with the biological wastewater treatment plant process.~~

~~B. Permits. No person shall discharge to or place in the county sewerage system any septage without a septage disposal permit issued by the director in accordance with the requirements of Title 13, Chapter 36, or by another permit authorized by the director. Application for a permit shall be made on a form prescribed by the director. The permit fee shall be $75.~~

~~C. Disposal of septage. Permit holders shall dispose forestage only at the Roger Road Septage Receiving Facility, 2600 West Sweetwater Drive, unless otherwise authorized in writing by the director.~~

~~D. Industrial wastewater ordinance compliance. All users of the septage receiving station shall comply with the requirements of Title 13, Chapter 36, Industrial Wastewater.~~

~~E. Hazardous waste. Hazardous waste shall not be disposed of in any county facility.~~

~~F. Septage disposal fee. All users of the septage receiving station shall pay a septage fee for the costs of sampling and accepting, treating and disposing of the septage through the wastewater system. The fee shall be ninety dollars per each one thousand gallons of available septage capacity of the septage hauling vehicle, regardless of the actual quantity of septage to be disposed. The fee shall be reviewed periodically by the department to ensure that it generates sufficient revenue to pay the costs of construction, operation, maintenance, repair and replacement of the septage receiving station and the associated costs to treat the septage.~~

~~G. Billing.~~

~~1. A permit holder shall pay septage fees through a monthly billing arrangement.~~

~~2. Any permit holder in arrears on a monthly billing may be required to provide a cash deposit or bond in a reasonable amount as determined by the director to continue monthly billings. The director may apply the deposit or bond against any amount unpaid sixty days after the date of billing. The director may terminate a monthly billing privilege at any time and require the hauler to pay at the time of delivery.~~

~~3. A user discharging through special authorization of the director shall be billed at the septage receiving station subsequent to the acceptance of the load and shall pay the fee prior to the discharge of the septage.~~

~~H. Illegal discharge. Any person who disposes of any septage in county facilities without a permit shall be liable for a permit fee of one thousand dollars. In addition, violations of this section shall be treated as violations of Chapter 36, Industrial Wastewater, including the assessment of penalties.~~

SECTION 4. This Ordinance is effective 31 days after the date of its adoption.

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PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this _____ day of _____, 2016.

_____
Chair, Pima County Board of Supervisors

ATTEST:

_____
Clerk of the Board

APPROVED AS TO FORM:

_____
Deputy County Attorney
CHARLES WESSELHOFT