

ORDINANCE NO. 2009-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO ENVIRONMENTAL QUALITY; AMENDING THE PIMA COUNTY CODE BY AMENDING TITLE 7, CHAPTERS 3, AND 9 TO AMEND THE DRINKING WATER SYSTEMS PROGRAM FEES AND HAZARDOUS WASTE MANAGEMENT PROGRAM FEES.

WHEREAS, A.R.S. § 11-251.08 allows Pima County to adopt fee schedules for services the county provides to the public.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. *Amend.* Chapter 7.03, of the Pima County Code is hereby amended to read as follows:

CHAPTER 7.03 ~~GENERAL DEFINITIONS~~ PERMITS AND FEES

7.03.030 ~~_____ Certificate of approval to construct.~~

Reserved.

7.03.040 ~~_____ Application for approval.~~

Reserved.

7.03.050 ~~_____ Plan approval required.~~

Reserved.

7.03.060 ~~_____ Plans to be submitted.~~

Reserved.

7.03.070 ~~_____ Design report.~~

Reserved.

7.03.080 ~~_____ Plans to be prepared by registered engineer and/or architect.~~

Reserved.

7.03.090 ~~_____ Construction in compliance with approved plans.~~

Reserved.

7.03.100 ~~_____ Access to construction sites for inspection.~~

Reserved.

7.03.110 ~~_____ Notification required for final inspection.~~

Reserved.

7.03.120 ~~_____ Reserved.~~

7.03.130 ~~Operating permit required.~~ permit requirements and fees.

- A. No person shall conduct an operation for which a permit is required by subsection E of this section or by specific section in other chapters of this title without holding the necessary and valid permit issued by the environmental officer.
- B. Permit applications shall be made on forms provided by the department and shall be completed in all pertinent details
- C. Before a permit will be issued the applicant shall have complied with all pertinent state, county and city or town health and environmental regulations, ordinances and statutes.
- D. Permits are valid for a period of one year from the date of issuance, unless suspended or revoked by the department for violation of a pertinent statute, ordinance or regulation. A suspended permit may be reinstated for the remainder of the permit period at the discretion of the environmental officer without penalty. A revoked permit may be reissued in the same manner as a new permit. No permit is transferable from person to person or place to place.
- E. A permit shall be required of the following:
 - 1. Public and private landfills and other approved methods of solid waste disposal;
 - 2. Collection and transportation of liquid waste;
 - 3. Water systems with 15 or more service connections or serving an average of at least 25 persons daily for at least 60 days a year;
 - 4. Collection and transportation of solid waste.
- F. Annual Permit Fee.
 - 1. There shall be an annual permit fee for operating permits issued by the department. The permit fee is due on the date the permit expires. For fees thirty days in arrears, a late fee of thirty dollars will be assessed. Failure to pay all fees including late fees within sixty days may result in suspension of the operating permit.
 - 2. Fee schedule:
 - a. Public and private landfills, thirty-six dollars;
 - b. Collection and transportation of liquid waste:
 - i) Operating permit, ninety dollars,
 - ii) Vehicle license, forty-six dollars per vehicle;
 - c. Water systems ~~serving:~~
 - i) ~~Twenty five through ninety nine service connections, twenty five dollars plus one hundred dollars per source,~~
 - ii) ~~One hundred through four hundred ninety nine service connections, fifty dollars plus one hundred dollars per source,~~
 - iii) ~~Five hundred through nine hundred ninety nine service connections, seventy five dollars plus one hundred dollars per source,~~

- ~~iv) One thousand through four thousand nine hundred ninety nine service connections, one hundred dollars plus one hundred dollars per source;~~
- ~~v) Five thousand or more service connections, one hundred twenty five dollars plus one hundred dollars per source;~~
- i) Each water system shall pay a \$200 water supply source fee per source. Each individual well, spring, reservoir or other water supply source is a separate source for the purpose of calculating fees
- ii) In addition to the water supply source fee, each water system shall pay a fee based upon the person served on the system as follows:

<u>Water Systems:</u>		
<u>Persons</u>	<u>Annual Fee effective June 30, 2009</u>	<u>Annual Fee effective June 30, 2010</u>
<u>1-99</u>	<u>\$50</u>	<u>\$100</u>
<u>100-199</u>	<u>\$150</u>	<u>\$300</u>
<u>200-499</u>	<u>\$250</u>	<u>\$500</u>
<u>500-999</u>	<u>\$250</u>	<u>\$500</u>
<u>1000-1,999</u>	<u>\$500</u>	<u>\$1,000</u>
<u>2000-4,999</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>5,000-9,999</u>	<u>\$1,500</u>	<u>\$3,000</u>
<u>10,000 or more</u>	<u>\$3,000</u>	<u>\$6,000</u>

- d. Collection and transportation of solid waste:
 - i) Operating permit, one hundred sixty-two dollars plus one dollar per customer,
 - ii) Waste vehicle license, seventy-nine dollars per vehicle,
 - iii) Collection frequency variance, five hundred dollars.
- ~~3. Notwithstanding the fee schedule set forth in subdivision 2.c of this subsection no water system shall pay an annual permit fee:

 - a. ~~Greater than the total of one dollar per service connection. This subdivision applies only to the issuance or reissuance of annual operating permits between June 30, 1992 and July 1, 1993.~~
 - b. ~~Less than one hundred twenty five dollars.~~~~
- ~~4. Within this subsection "source" means any body of water, above or below ground, from which a water supply is obtained but does not include a holding tank supplied by a source. Each individual well, spring, reservoir or other water supply source is a separate source for the purpose of calculating fees pursuant to this subsection.~~
- G . Fee schedule for field inspections due to noncompliance: For each field inspection of an activity permitted pursuant to this section resulting from a complaint made to the department and that results in a finding of

noncompliance with any provisions of this title or any condition of a permit issued pursuant to this title, seventy-five dollars.

- H. Permits may be revoked by the environmental officer upon written notice to the permit holder when an immediate and imminent danger to public health or safety or the environment exists. In all other instances where a permit is revocable pursuant to state or local law, a minimum of five calendar days' written notice must be given by the environmental officer to the permit holder. The permit holder may make a written request for a hearing in accordance with Section 7.03.140.
- I. No person shall refuse to allow the environmental officer to inspect any and all regulated establishments or facilities at any reasonable time, during the regular business hours of the regulated establishment or facilities, and no person shall molest or resist authorized representatives of the department in the discharge of its duties during the inspection for application approval or for the enforcement of this title.

SECTION 2. *Amend.* Chapter 7.09, Section 7.09.090 of the Pima County Code is hereby amended to read as follows:

CHAPTER 9 - HAZARDOUS WASTE GENERATORS

7.09.090 Fees.

- A. Payment of Fees.
 - 1. A Registration fee shall be assessed for each facility requiring registration under this chapter, the department shall serve the registration applicant with an invoice of the amount due pursuant to this chapter as follows:
 - a. For an initial registration, at the time the registration is granted;
 - b. For renewal of an existing registration, prior to expiration of the registration.
 - 2. If a fee invoiced pursuant to paragraph 1 of this subsection is not received by the department within thirty days of the date of the invoice, the registration applicant shall pay a late fee of thirty dollars. If the registration fee and late fee is not received by the department within forty-five days of the date of invoice, the registration is void and the department shall notify the applicant in writing. An applicant for a registration that has become void shall pay the late fee set forth in this paragraph.
 - 3. For regular or provisional registration issued for a three-year period, the applicable registration fee shall be multiplied by three.
 - 4. If a regular or provisional registration is issued for less than three years, the fee shall be prorated accordingly.
- B. Registration Fees. The fee for generators generating greater than two hundred twenty pounds, regulated under this chapter, shall be based on the greater of the maximum actual waste generated in any calendar month during the previous twelve-month period, or the maximum projected waste expected to be generated in any one month during the next registration period. The annual fee per facility shall be:

<u>Generator Category</u>	<u>Annual Fee effective June 30, 2009</u>	<u>Annual Fee effective June 30, 2010</u>
Greater than 220 pounds, but less than or equal to 660 pounds of hazardous waste; or greater than 2.2 pounds acute hazardous waste	\$350.00 <u>\$505</u>	<u>\$1,010</u>
Greater than 660 pounds, but less than or equal to 1,100 pounds of hazardous waste	\$550.00 <u>\$880</u>	<u>\$1,760</u>
Greater than 1,100 pounds, but less than or equal to 2,200 pounds of hazardous waste	\$750.00 <u>\$1,895</u>	<u>\$3,790</u>
Greater than 2,200 pounds of hazardous waste	\$1,350.00 <u>\$1,895</u>	<u>\$3,790</u>

- C. Reinspection Fees. A fee of one-fourth the annual registration fee shall be assessed when reinspection of a facility is required due to material noncompliance with the provisions of this chapter.
- D. Refund of Registration Fees.
1. If the department does not issue a registration due to disapproval of the application, the amount to be refunded will be the fee, less one hundred dollars which shall be retained by the department as a filing fee.
 2. If the department does not issue a registration because it is determined that none is required for the facility, the entire fee shall be refunded.
 3. Any moneys received by the department in excess of the required fee shall be refunded.
- E. Revision of Fees.
1. Registration Fee Inflation Studies. Within thirty days after the adoption by the board of supervisors of a cost-of-living allowance for a majority of Pima County employees, the director shall reevaluate the total service cost of the department related to registration and make a report to the board of supervisors. If the results indicate that the service cost has increased since the date of setting of fees, the director shall propose a increase in all fee schedules for the percentage increase in service cost. The board of supervisors shall hold a public hearing on the proposed fee increase before taking appropriate action.
 2. Periodic Review of Individual Fee Schedules. The director shall annually reevaluate the service costs associated with individual fee schedules and shall propose appropriate adjustments. Detailed justifications for the fee adjustments shall be made by the director. The director shall conduct study sessions and provide opportunities for conferences and public hearings with affected operators before recommending to the board of supervisors significant adjustments to any individual fee schedule.

F. Fees collected in excess of program implementation costs shall be deposited into a special revenue fund to be used to offset future revenue needs of the department related to this chapter.

SECTION 3: If any of the provisions of this Ordinance or the application thereof to any person or circumstance is invalid, the invalidity shall not effect other provisions or applications of this Ordinance which can be given effect without the invalid provision or circumstance. To this end, the provisions of this Ordinance are severable.

SECTION 4: This Ordinance shall take effect 31 days from the date of its adoption.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this _____ day of _____, 2009.

Chairman of the Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

REVIEWED BY:

Deputy County Attorney

Ursula Kramer, Director
Department of Environmental Quality