

**ORDINANCE 2019- 20**

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

BE IT ORDAINED BY THE PIMA COUNTY BOARD OF SUPERVISORS:

**SECTION 1. *Amendment.*** The Pima County Code, Title 13, Chapter 20, is hereby amended as follows:

§13.20.100 – Acronyms and Definitions.

For the purpose of this Chapter the following acronyms and definitions are provided.

A. Acronyms.

1. "AAC" means the Arizona Administrative Code.
2. "ADEQ" means the Arizona Department of Environmental Quality or any successor agency.
3. "BCS" means Building Connection Sewer.
4. "BOS" means Board of Supervisors.
5. "GPD" means gallons per day.
6. "HCS" means House Connection Sewer.
7. "OSHA" means Occupational Safety and Health Administration.
8. "PCC" means Pima County Code.
9. "PSCS" means Public Sewage Conveyance System.
10. "SIP" means Sewer Improvement Plan.
11. "WSA" means Wastewater Service Agreement.

B. Definitions.

1. "Accept", "Accepted", or "Acceptance" means the written notice from the County agreeing to the concept presented in the plans, studies, or reports required as part of a review submittal.
2. "Applicant" means a Person requesting permission: to construct a System Improvement; to connect a Property or a Unit to the PSCS; or to conduct construction activities in the vicinity of the PSCS.
3. "Approve", "Approved", "Approval", or "Approvable" means the County's written notice confirming that a submittal complies with the Department's current "Engineering Design Standards" and "Standard Specifications and Details for Construction".

4. "Area Under Development" means the Property for which wastewater service is requested by the Applicant plus the rights-of-way and utility easements that abut this Property.
5. "Assigned" or "Assignable" means a Wastewater Utility Fee Credit may be transferred to a third party by the Applicant as authorized pursuant to a written WSA with the County.
6. "Augment" or "Augmentation" or "Augmenting" means the construction of a System Improvement for the purpose of increasing the capacity of the PSCS.
7. "Base Pipe Size" means the minimum pipe size required to convey the predicted peak dry-weather flow from the Area Under Development without exceeding a flow depth ratio 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.
8. "Building Connection Sewer" means the private sewer connecting a non-Residential building to the PSCS. See Service Lateral.
9. "Capacity Allocation" means a formal commitment of PSCS and treatment capacity for a proposed Development.
10. "Clearance" means the written Acceptance of a third-party construction activity within proximity of the PSCS.
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; car washes; medical and dental laboratories; pet clinics; bakeries; industries; manufacturing; machinery; and meat packing.
12. "Construction Documents" means plans, specifications, submittals, special provisions, and any other documents required by the County for construction of a System Improvement or a connection to the PSCS.
13. "Construction Permit" means an authorization for the construction of a System Improvement or a connection to the PSCS.
14. "Contractor" means a Person, acting as an Applicant's agent and who is, at all times while performing activities regulated by this Chapter, licensed by the Arizona Registrar of Contractors and bonded and insured to act in the capacity of a Contractor for the type of activity performed.
15. "County" means the constitutional entity governing Pima County, Arizona.
16. "Credit" or "Wastewater Utility Fee Credit" means a reduction against the Wastewater Utility Fee for eligible construction costs and engineering fees, not including easement costs, incurred by a Developer at the request of the County.
17. "Department" means the Pima County Regional Wastewater Reclamation Department or any successor County department.
18. "Developer" means a Person contracting with the County to design and construct a System Improvement or connection to the PSCS.
19. "Development" means one or more Properties in common ownership which are under consideration for service or served by the Department.
20. "Director" means the Director of the Department, including the Director's delegates, and any person who is, by operation of law, authorized to carry out the Director's functions.
21. "Discount" or "Wastewater Utility Fee Discount" means a fee reduction applied against the Wastewater Utility Fee for constructing a Qualified System Improvement.

22. "Flow-through" means Wastewater originating from future Development that would flow through a sewer located within an Area Under Development or municipality.
23. "House Connection Sewer" means the private sewer connecting a Residential building and the PSCS. The term "HCS" does not include sewers connecting Multi-family buildings to the PSCS. See Service Lateral.
24. "Large Agency" means a unit of federal or state government or a federally recognized Indian tribe. The term Large Agency does not include school districts.
25. "Multi-family" means more than one Residential unit on a single lot. This includes duplexes, townhomes, condominiums, and apartments. Multi-family connections are Commercial connections.
26. "Off-site System Improvement" means a System Improvement outside of the boundaries of the Property necessary to connect an Area Under Development to the PSCS.
27. "Over-sizing" or "Over-sized" means a Department-requested increase in a new pipe size to accommodate System Improvement capacity beyond that determined by the Department as necessary to serve the Area Under Development.
28. "Owner" means a Person who holds an indicia or proof of ownership for a Property.
29. "Person" means an individual, company, corporation, partnership, governmental body, or any other entity that has legal rights and is subject to obligations.
30. "Private Connection" means: [noun] the point at which a Private Sewage Conveyance System is permanently connected to the PSCS; or [verb] the permanent connection of a Private Sewer System to the PSCS.
31. "Private Sewage Conveyance System" means a non-publicly owned sewer connecting a structure or structures to the PSCS. The term includes Sewer Laterals and private gravity systems and private pumping systems.
32. "Property" means a parcel or parcels of land under common control or ownership.
33. "Public Sewage Conveyance System" means all parts of the Public Sewerage System that convey or support the conveyance and operation of Sewage (both Residential and Commercial/Industrial).
34. "Public Sewerage System" means the entire infrastructure owned by the County to manage Wastewater including, but not limited to, all PSCS; Wastewater pumping systems; odor control facilities; treatment and disposal facilities; and all appurtenances required to collect, transport, treat, store, reclaim, discharge, or recharge the liquid or solid phases of Wastewater.
35. "Qualifying System Improvement" means an Off-site System Improvement constructed by the Applicant that is capable of serving other downstream properties in addition to the Area Under Development.
36. "Residential" means one Residential structure on a single lot which is zoned as single family residential and which may include detached structures.
37. "Responsible Party" means for a Property, the Owner of the Property at the time it was initially connected to the PSCS or the Owner at the time of any subsequent increase in Water Meter size.
38. "Right-of-Way" means a general term, denoting a strip of land, Property, or interest therein, acquired for or dedicated to transportation and to other public works purposes.
39. "Schedule of Values" means the Department's compiled list of material and labor costs in the current local market used to estimate the cost of Sewer Improvement construction. The Department will periodically update the listed costs.

40. "Service Lateral" means the private sewer line between a Residential, Commercial, Industrial, or Multi-family building and its connection to the PSCS. The term includes, but is not limited to, "House Connection Sewer" and "Building Connection Sewer."
41. "Sewage" means waste discharged from toilets, baths, sinks, lavatories, laundries, drains, and other plumbing fixtures in residences, institutions, public and business buildings, industrial sources, mobile homes, and other places of human habitation, employment, or recreation.
42. "Sewer Improvement Plan" means the set of design drawings prepared by an Arizona registered professional engineer or architect and intended for the construction of a System Improvement.
43. "Small Activity Construction" means minor construction activity impacting the PSCS such as:
  - a. Certain Service Lateral taps into the PSCS;
  - b. Single manhole construction;
  - c. Manhole adjustment or reconstruction; and
  - d. Change of pipe or material that does not affect the grade or location of the existing PSCS.
44. "Special Facility" means a System Improvement intended to be Transferred into the PSCS, and which requires additional operation and maintenance expenditures above those generally associated with gravity sewers. The definition of Special Facility includes, but not limited to pump station systems or odor control systems.
45. "System Improvement" means new Sewage conveyance components that are owned, designed, permitted, constructed, and tested by a third party and which are intended for Transfer to County ownership.
46. "Temporary Connection" means a connection to the PSCS that is intended only for provision of short-term sewer service to a non-permanent facility. Permission to make or maintain a Temporary Connection is not a valid permanent connection.
47. "Transfer" or "Transferred" means a legal conveyance of a System Improvement or Private Sewage Conveyance System, following County's agreement to receive, from a private party to County ownership and includes compliance with AAC R18-9-A304, Notice of Transfer.
48. "Unit" means an element of Property Development, either dwelling, fixture, or building, which can be identified as an individual sewage discharge point for purposes of Wastewater flow calculations and Wastewater Utility Fee assessment.
49. "User" means a Person who discharges Sewage to the Public Sewerage System.
50. "Wastewater Utility Fee" means an allocation to each User of the User's estimated share of the capital cost to provide wastewater conveyance and treatment capacity.
51. "Wastewater" See Sewage.
52. "Wastewater Service Agreement" means a written and fully executed contract between the County and Applicant concerning provision of sewer service to an Area Under Development.
53. "Water Meter Size" means the size of meter supplied by a municipal corporation, special taxing district, or private water company for purposes of determining Wastewater Utility Fee. For private wells/private water systems, system flow capacity is used to determine Water Meter Size based on City of Tucson's Water Meter Sizing Guidelines.

13.20.150 – General Purpose and Applicability.

For the entirety of Chapter 13.20, the following statements apply.

- A. Documents Incorporated by Reference
  - 1. "Pima County Engineering Design Standards" (current adopted edition).
  - 2. "Pima County Standard Specifications and Details for Construction" (current adopted edition).
- B. System Improvements and Private Connections must be in full compliance with the following:
  - 1. All requirements of AAC, Title 18, Chapters 5 and 9; and
  - 2. All requirements of PCC Chapter 7.21 Article II, entitled "Sewage System Construction."
- C. The Director is authorized to develop a variance process for the Applicant to address deviations from the "Engineering Design Standards" and "Standard Specifications and Details for Construction."
- D. The Department has authority to assess fees for customer services pertaining to the review, permitting, and inspection of System Improvements and Private Connections to the PSCS, and for all costs and services to support the provisions in Chapter 13.20.
- E. The Department has authority to charge for system infrastructure through a Wastewater Utility Fee.
- F. The Department has authority to charge for Special Facility operation and maintenance costs.
- G. For unique situations, the Director has the authority to apply interpretations of Chapter 13.20.

§13.20.200 – Capacity.

A. Purpose and Applicability.

This section provides requirements for managing the capacity of the conveyance and treatment systems meeting the requirements of AAC R18-9-C305. 2.05 General Permit; Capacity, Management, Operation, and Maintenance of a Sewage Collection System, and R18-9-E301. 4.01 General Permit: Sewage Collection Systems. The Section applies to new or increases in potential discharge to the PSCS.

B. Determination of Capacity Availability.

The Department manages PSCS and treatment capacity needs using three types of analysis. If capacity is not available, the Department will advise the Applicant of Applicant's options for constructing additional capacity.

- 1. A Type I Response provides a general analysis of the accessibility and capacity of the conveyance and treatment systems existing at the time the analysis is performed. It is not an allocation of capacity.
- 2. A Type II Response provides a more precise analysis of capacity availability existing at the time the analysis is performed and is based on the estimated demand for the proposed Development. It is not an allocation of capacity.
- 3. A Type III Response provides a definitive response regarding the capacity requested for the Applicant's Development and is required for all new or potential increases in discharges to the PSCS. This may be an allocation of capacity.
  - a. When a Type III Response allocates capacity for the Applicant's Development, it expires within one-hundred and eighty (180) calendar days. If an ADEQ Construction Authorization or building permit is issued within that period, the allocation expires two (2) years following the issuance date.
  - b. If capacity is not fully available, the Applicant will enter into a WSA to construct the System Improvements required to achieve the necessary capacity.
  - c. Single family Residential Development for only one residence is exempt.
  - d. The Type III Response is required before Approval of a Private Sewer Connection or a SIP.

§13.20.250 – System Improvement Design.

A. Purpose and General Requirements.

1. This section provides requirements for the design of a System Improvement. These requirements are intended to protect public health and welfare as well as the environment. They also ensure adequate County access for operation, maintenance, and repair of the PSCS.
2. The Department has absolute discretion to determine whether all or part of a Developer proposed sewerage system will become part of the PSCS.
3. The Department may require an Applicant to provide a System Improvement for capacity and Flow-through service for future connecting Developments. The Department may also require an Applicant to Augment the downstream PSCS in order to provide capacity for the Applicant's Development and future connecting Developments.
4. A System Improvement required for service to the Area Under Development will be provided at the sole expense of the Applicant.
5. As a condition of Approval, off-site easements recorded by separate instrument must be identified on the final sealed SIP by the docket and page or sequence number.
6. An Approved SIP is valid for the term of the ADEQ Construction Authorization, or two (2) years from date of Approval, whichever is later.

B. Final Plats, Easements, and Rights of Way.

1. Prior to recording the System Improvement easements, the County will review and Accept final subdivision plats or final easements descriptions by separate instrument. Documents will delineate easements or rights of way for the proposed PSCS.
2. Easements and rights of way will conform to those shown in the SIP.

C. Wastewater Service Agreements.

1. The Department may require an Applicant to enter into a WSA. The WSA will fully document any additional construction requirements, compensation commitments, or other unique considerations.
2. An Applicant's failure to fully comply with the terms and conditions of the WSA will render void any County Type III Response or commitment to provide wastewater service to future connections within the Area Under Development.
3. Reimbursement - Wastewater Utility Fee Credit. The County may enter into a WSA with an Applicant for Credit to cover the incremental cost of a System Improvement incurred for a Department-required Augmentation (Over-sizing or deepening) beyond the size/depth required to serve the Area Under Development or for a Department-required extension of the System Improvement for purposes of providing service for future Development.
  - a. The incremental construction cost for Over-sizing is the difference in eligible construction costs and engineering fees between the Base Pipe Size designed to serve the Area Under Development and the System Improvement size actually constructed at the direction of the Department. The Department will determine the required Over-sized System Improvement. Eligible construction costs and engineering fees for Oversizing-related incremental construction costs do not include reimbursement for those items listed in § 109-5.03, Non-Allowable Charges, of the Pima Association of Governments issued "Standard Specifications and Detail for Public Improvements" as it may, from time to time, be amended.

- b. The incremental construction cost for deepening of the sewer is the difference in eligible construction costs and engineering fees between the design depth required to serve the Area Under Development and the System Improvement depth actually constructed at the direction of the Department. The Department will determine the required System Improvement depth.
  - c. For Flow-through extensions, the credit value will be determined based on eligible construction costs and engineering fees for the required length of extension. The Department will determine the required extension System Improvement to provide Flow-through.
  - d. The value of Credit will be calculated using the Department's Schedule of Values.
  - e. In the event Applicant can demonstrate, in a form and manner acceptable to the Department, that the Schedule of Values undervalues the actual, reasonable aggregate cost of the constructed Over-sized System Improvement by twenty-five (25) percent or more, the Department will allow the use of actual construction costs to calculate a credit value.
  - f. Credits will only be applied as an offset to the Wastewater Utility Fee. Under no circumstances will the County Issue cash refunds for Credits.
  - g. The Credits will be valid for ten (10) years from the execution of the WSA by the BOS.
  - h. A Credit is Assignable.
  - i. The value of Credits applied to offset the Wastewater Utility Fee for connections within an Area Under Development cannot exceed the total Wastewater Utility Fee, less applicable Discounts, to be collected from that Area Under Development.
4. Discount for Qualifying System Improvement.
- The County may enter into a WSA with an Applicant to provide a mechanism for discounting the Wastewater Utility Fee for the construction of a Qualifying System Improvement.
- a. For Residential Areas Under Development, one dwelling within the Area Under Development will qualify for Wastewater Utility Fee Discount status for each twenty-five (25) feet of Qualifying System Improvement constructed. See §13.20.600 for Discounts.
  - b. For Commercial/Industrial/Multi-family Areas Under Development, one Unit will qualify for a Discount for each twenty-five (25) feet of Qualifying System Improvement constructed. See §13.20.600 for Discounts.
  - c. The Qualifying System Improvement must have a minimum length of twenty-five (25) feet and is measured from the point of connection to the PSCS to the closest edge of the Area Under Development for any dwelling units or Commercial/Industrial/Multi-family projects to be awarded the Discount.
  - d. Discounts are Assigned to an Area Under Development
  - e. Discounts cannot be transferred outside of the Area Under Development and do not expire.
  - f. The value of the awarded Discount cannot exceed the total Wastewater Utility Fee to be collected from the Unit or Area Under Development as set forth in §13.20.400.
  - g. Discounts may be used in conjunction with Credits.
5. Special Facility.
- a. A Special Facility must meet all Engineering Design Standards, Department specifications for unique components, and operational requirements of the Department.
  - b. A Wastewater Service Agreement may be required to address unique circumstances of the Special Facility Transfer or operation.

13.20.300 – Large Agency Agreement.

A. Applicability.

This section applies to a Large Agency that has or will enter into an agreement with the County for provision of wastewater service to Property owned or managed by the Large Agency. Such wastewater services may include management or ownership of all or a portion of the sewerage facilities located within the boundaries of the Property owned or managed by the Large Agency.

B. Wastewater Service.

Wastewater service will be provided to a Large Agency through a written agreement containing the following elements:

1. Compliance with the PCC as set forth in §13.20 – Construction, Connections, and Fees;
2. Authorization of County to access, without unreasonable restrictions, the County-owned or managed sewerage facilities for construction, repair, inspection, maintenance, and operation purposes;
3. Agreement to obtain a Type III Response from the Department prior to any new construction of structures or installation capable of direct or indirect discharge to the PSCS;
4. Agreement to pay all appropriate fees, including, but not limited to a Wastewater Utility Fee for all potential discharges to the PSCS from wastewater sources located within the Large Agency's boundaries;
5. Provisions for the County's enforcement of Chapter §13.36 Industrial Wastewater within the Large Agency's Private Sewage Conveyance System or, in the alternative, the Large Agency's agreement to enact and enforce its own Commercial/Industrial wastewater pretreatment program that is fully compliant with 40 Code of Federal Regulations, part 403 and applicable to all discharges to the Private Sewage Conveyance System and PSCS located within the Large Agency boundaries;
6. Periodic coordination with the Department concerning the Large Agency's Development planning;
7. Provisions for the County's use of the PSCS located within the boundaries of the Large Agency for Flow-through purposes; and
8. Such other requirements as be necessary to properly define the relationship between the parties.

13.20.350 – Private Sewage Connection, Ownership, and Repair.

A. Private Connection to the PSCS.

1. No Private Connection may be Approved and constructed until the location (point) and method of connection are reviewed by the County, a Type III Response is acquired, and the Wastewater Utility Fee is paid or other means of payment are established by the Director.
2. The County may require Flow-through public sewers to serve one or more future Developments.
3. Private Connection Approvals are valid for two (2) years.
4. Issuance of a building permit does not constitute evidence that the County has Approved the Private Connection.
5. Temporary Connections, in lieu of Private Connections, are allowed with written permission granted by the County.
  - a. A Temporary Connection will be charged appropriate fees.

- b. Temporary Connections may remain in place for two (2) years, unless otherwise extended by the Director.
  - c. User Fees will apply to all discharges from the Temporary Connection. See Chapter 13.24 of this Title for Sanitary Sewer User Fees.
  - d. Temporary Connection fees may be applied toward Wastewater Utility Fees when converting the Temporary Connection to a permanent connection provided the Applicant applies to establish a Private Connection.
- B. Service Lateral and Private Sewage Conveyance System Ownership and Maintenance Responsibility.
- 1. All Service Laterals and Private Sewage Systems, including the portions of Service Laterals traversing public rights-of-way, are owned by the Owners of the Properties being served.
  - 2. It is the Owner's responsibility to maintain the Service Lateral and Private Sewage Conveyance System, including that portion of the Service lateral located within the public right-of-way.
- C. Single Family Residential Service Lateral Repair by the Department.
- 1. The Department may repair portions of a Service Lateral provided:
    - a. The Service Lateral serves only an existing single-family Residence;
    - b. The portion of the Service Lateral being repaired or replaced lies entirely within a public right-of-way;
    - c. Department funds are available for the repair;
    - d. The damage to the Service Lateral was not caused by the Owner or its agents;
    - e. The Owner has demonstrated, through video or other appropriate methods, that the damage or blockage is located within public right-of-way; and;
    - f. The Owner agrees, in writing, to provide to the Department all property access necessary for conducting the repair activities.
  - 2. Unless the damage was caused by County actions, the Department is not authorized to repair any portion of a Service Lateral serving Commercial, Industrial, or Multi-family building(s) nor is the Department authorized to conduct any Service Lateral repair activity, regardless of ownership, outside of a public right-of-way.
  - 3. The County will not be responsible for any damages resulting from Department's failure to perform or to timely perform an evaluation or repair of a Service Lateral pursuant to this Section unless the initial Service Lateral damage was primarily the result of County activities.
  - 4. Following Department repair activity, pursuant to this Section, the repaired or replaced Service Lateral will remain the Owner's property.
- D. Transfer of Private Sewage Systems.
- Upon request, the Director has the discretion to Transfer a Private Sewage Conveyance System provided:
- 1. The system complies with all requirements of the current version of the "Pima County Engineering Design Standards" and meets operational requirements of the Department;
  - 2. The Department has determined that the system components are in good repair and capable of operating with only routine maintenance; and
  - 3. The Director has determine that the Transfer is consistent with current and planned service responsibilities.

13.20.400 – Wastewater Utility Fee.

- A. General Requirements.
  - 1. Persons making new connections to the PSCS or increasing their potential to discharge to the PSCS through an increase in Water Meter Size must pay a Wastewater Utility Fee to the County. The Wastewater Utility Fee represents the County's allocation to Owners of the capital cost to provide wastewater conveyance and treatment capacity and is based on the potential volume of discharge created by water service to a Property. It is not a permitting fee.
  - 2. For an existing connection to the PSCS, an additional Wastewater Utility Fee must be paid prior to installation of a larger Water Meter Size or, for Users receiving water from private wells, an increase in well-supplied water capacity.
- B. Determining the Wastewater Utility Fee for New Private Connections to the PSCS.
  - 1. The Wastewater Utility Fee for Applicants requesting service for new connections are based on Water Meter Size(s). Sufficient documentation is required to allow the County to determine the appropriate Wastewater Utility Fee.
  - 2. For property served by a well, Applicant-provided documentation will be used to determine equivalent Water Meter Size.
  - 3. Wastewater Utility Fees are shown in §13.20.600.
- C. Determining the Wastewater Utility Fee for Existing Private Connections to the PSCS.

Applicants must submit sufficient documentation to allow the County to determine the appropriate Wastewater Utility Fee when a proposed change in water service may result in an increase in the existing Water Meter Size(s), an increase in well-supplied water capacity, or a change in the structure's use from Residential to Commercial/Industrial/Multi-family.
- D. For unique situations not addressed above, the Director will have the discretion to calculate the Wastewater Utility Fee.
- E. Wastewater Utility Fee Refund.
  - 1. Upon request, the County will refund the Wastewater Utility Fee paid for a proposed new connection of a Property if no physical connection to the PSCS is ultimately made; or if the physical changes in a private water supply system necessary to increase flow are not installed.
  - 2. Refund of the Wastewater Utility Fee payment negates the Applicant's permission to connect to the PSCS, Applicant's permission to increase discharges to the PSCS, and all capacity allocations issued for the Property.
- F. Actions to Collect an Outstanding Wastewater Utility Fee.
  - 1. In the following circumstances, the Wastewater Utility Fee will be considered outstanding when a Wastewater Utility Fee has not been paid at the time of building permit issuance or if there is an increase in the potential to discharge resulting from: an increase in the number of water meters serving a Property; an increase in Water Meter Size(s); or an increase in the delivery capacity of a private water supply system.
  - 2. The Responsible Party at the time the outstanding Wastewater Utility Fee was due is responsible for payment of the outstanding Wastewater Utility Fee, regardless of subsequent changes in Property ownership.
  - 3. The amount due includes the outstanding Wastewater Utility Fee plus interest on that amount calculated from the date the Wastewater Utility Fee should have been paid.
  - 4. Interest is assessed at the current prime rate plus one (1) percent.

5. Errors or omissions in reporting a Wastewater Utility Fee to the Department by the Responsible Party within sixty (60) calendar days of the finalized building permit will not be charged interest or other expenses.
6. The Department will provide written notification to the Responsible Party that required fees and interest are outstanding. The required notice is deemed to have been given when the written notification, addressed to the Responsible Party, has been deposited in the U.S. mail, postpaid.
7. Payment in full or arrangements for a payment plan must be made within sixty (60) calendar days of the notice date.
8. Should payment in full or arrangements for a payment plan not be made within sixty (60) days, the Director is authorized to take all appropriate actions deemed necessary to collect the unpaid amount plus costs of recovery including, but not limited to:
  - a. Attorney fees and costs and staff administrative efforts; and
  - b. Recording of a lien on the subject Property or filing suit in the appropriate state court in Pima County.

#### 13.20.450 – Protection of the Existing PSCS.

##### A. Purpose and General Requirements.

This section provides for the protection of the PSCS from: direct or indirect damage due to third-party activities; encroachment in the easement; and interference with Department access to the PSCS. This section does not apply to authorized activities that modify the PSCS.

- B. All discharges to the PSCS must comply with the limits and prohibitions of Chapter 13.36 of this Title.
- C. Discharges of swimming pool water to the PSCS in excess of fifteen (15) gallons per minute are prohibited unless prior notice has been given to the Department and the Department has determined the proposed discharge will not harm the PSCS or cause any portion of the PSCS to exceed its design capacity.
- D. Discharges of stormwater, surface water, and groundwater to the PSCS are prohibited without prior authorization.
- E. If the Applicant is only requesting access to the PSCS for evaluation purposes, then the Department may issue a Public Access Manhole Permit.
- F. All public or private construction projects within a public right of way or utility easement occurring in such proximity as to cause harm to, impede access to, or impact the subsurface support of the PSCS must acquire Clearance. If necessary, the project may require permitting by the County prior to the start of construction. As a condition of a Clearance, the Department may require an Inspection Observation Permit issued by the Department for personnel to witness construction activity occurring in the vicinity of the PSCS.

#### §13.20.500 System Improvement Construction.

##### A. Purpose and General Requirements.

This Section provides requirements for permitting, constructing, and inspecting of System Improvements, and inspection of Small Activity Construction. Prior to any System Improvement

construction activity, or connection to the PSCS, an appropriate County Construction Permit is required.

1. Liability.

An Applicant and its Contractor are jointly and severally liable to the County for any damage to the PSCS caused by activities of the Applicant or its Contractor when constructing a System Improvement or when conducting construction activities in proximity to or on the PSCS.

2. Discharges Prohibited.

Unauthorized discharge to the PSCS from a new or modified System Improvement is prohibited prior to Transfer of the System Improvement to the County. An Applicant or Applicant's Contractor that allows unauthorized Sewage flow into or through a System Improvement, prior to Transfer to the County, may be required to clean the affected length of the System Improvement and take any other actions as directed by the Department to restore the interior of the System Improvement to a like-new condition.

3. Indemnification.

As a condition of any permit to work within a public right of way or utility easement, the Applicant will indemnify, defend and hold harmless the County, its officers, departments, employees, and agents from and against any and all suits, actions, legal or administrative proceedings, claims, demands, or damages of any kind or nature arising out of the exercise of the permit which are attributed to any act or omission of the Applicant, its agents, employees, or anyone acting under its direction, control, or on its behalf. In the event suit will be brought and the County is named as a defendant, all costs for counsel, either house counsel or retained counsel, and any other court costs associated with defending itself will be paid by the Applicant.

4. Warranty.

The Applicant will warrant all work will be free from any defects due to poor workmanship or materials for a period of one (1) year from date of Transfer to the County, or as otherwise specified. During the warranty period, the Applicant will make necessary repairs to correct the defects as determined by the County at Applicant's sole expense.

B. System Improvement Construction Permit.

1. A System Improvement will be permitted, inspected, and tested following Department procedures prior to Transfer to County ownership.
2. A System Improvement Construction Permit is valid for two (2) years or the term of the ADEQ Construction Authorization, whichever expires first.
3. The System Improvement Construction Permit may not be renewed.
4. Work that does not meet the Approved Construction Documents, Engineering Design Standards, Standard Specifications and Details for Construction, or submittals is subject to rejection.
5. During the construction of the System Improvement, the Contractor will provide OSHA-compliant access to the trench, installed pipe, and appurtenances to allow for inspections by the Department or, as appropriate, the local governmental jurisdiction, prior to closing the excavation. Failure to provide access may cause re-excavation of work at the Contractor's expense.
6. Stop Construction Order.  
"Stop Construction Order" means a verbal or written order given to the Contractor's senior on-site representative.

- a. The County is empowered to issue a Stop Construction Order for a specific construction activity, task, or entire project when just cause requires the County to:
    - i. Protect public health or safety or the state of the environment;
    - ii. Prevent the introduction of unallowable (in type and/or quantity) foreign material into the PSCS to the detriment of the PSCS or its ability to convey or treat Sewage;
    - iii. Prevent the immediate introduction of any surface water to the PSCS;
    - iv. Prevent damage to PSCS from construction activities.
  - b. The Contractor's failure to comply with a Stop Construction Order will result in a judicial action for injunctive relief.
- C. Small Activity Construction Permit.
1. All Small Activity Construction on the PSCS must be permitted, inspected, and tested consistent with Department procedures.
  2. During construction, the Contractor will provide OSHA-compliant access to the trench for inspection of the Service Lateral tap, manhole, and pipe work.
  3. Work that does not meet the Approved Construction Documents, Standard Specifications and Details for Construction, or submittals is subject to rejection.
  4. Stop Construction Order.
- When just cause requires the County to protect public health or safety or the state of the environment or to prevent damage to the PSCS, the County is empowered to issue a Stop Construction Order. The Contractor's failure to comply with a Stop Construction Order will result in a judicial action for injunctive relief.

§13.20.600 – Fees.

A. Wastewater Utility Fee Discount. – See §13.20.250

Type of Development	Discount Amount
Residential	\$1,100 per 25 feet of Qualifying System Improvement per lot
Commercial/Industrial/Multi-family	\$1,100 per 25 feet of Qualifying System Improvement

B. Wastewater Utility Fee. – See §13.20.400

Residential Wastewater Utility Fee	
Water Meter Size	Fee per Water Connection
5/8", 3/4", or 1"	\$4,188

Commercial/Industrial/Multi-family Wastewater Utility Fee	
Water Meter Size	Fee per Water Connection
5/8" or 3/4 inch	\$4,188
1 inch	\$8,734
1 1/2 inch	\$27,841
2 inch	\$71,884
3 inch	\$167,385
4 inch	\$374,601

Greater than 4-inches	Case by Case Basis
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The Wastewater Utility Fee for Commercial/Industrial/Multi-family dischargers with Water Meters Size greater than four (4)-inches in size will be calculated on a case-by-case basis using the formula

$$\text{Wastewater Utility Fee (in dollars)} = C \times G \times I$$

where: "C" represents the cost of capacity factor of sixteen dollars and fifty cents (\$16.50) per gallon per day to convey and treat Wastewater; "G" represents the discharge potential resulting from the water connection in gallons of Wastewater discharged during a peak flow day; and "I" represents a system inflow and infiltration rate factor of 1.175.

**SECTION 3. Severability.** If any provision of this Ordinance, or the application of any provision thereof is determined by a court of law to be invalid, the invalidity of that provision shall not affect other provisions or the application of this ordinance which can be given effect without the provision determined to be invalid, and to this end the provisions of this Ordinance are severable.

**SECTION 4. County Officers and Employees.** The various County officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

**SECTION 5. Effective Date.** This Ordinance shall become effective 31 days after it is adopted by the Board of Supervisors.

**PASSED AND ADOPTED** by the Board of Supervisors of Pima County, Arizona, this 19th day of August 2019.

**PIMA COUNTY BOARD OF SUPERVISORS:**

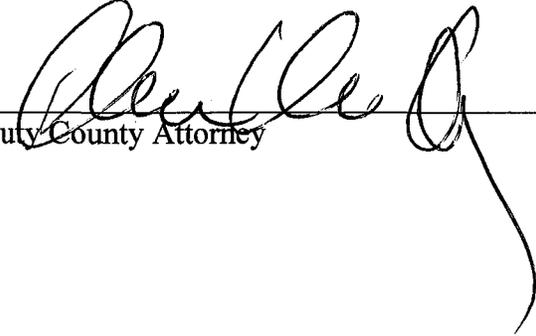
  
 \_\_\_\_\_  
 Chairman **AUG 19 2019**

**ATTEST:**

  
 \_\_\_\_\_  
 Clerk of the Board

Dated:           **AUG 19 2019**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Deputy County Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Director, Regional Wastewater Reclamation  
Department