



## **BOARD OF SUPERVISORS AGENDA ITEM REPORT**

**Requested Board Meeting Date:** February 5, 2019

**Title:** Proposed Amendments of Pima County Code, Title 13 Public Services code, Division II - Sewers, Chapters 13.28 - Mt. Lemmon Sewer Connections and 13.32 - Mt. Lemmon User Fee Surcharges

### **Introduction/Background:**

The Regional Wastewater Reclamation Department (RWRD) is proposing amendments to the Pima County Code (PCC) for Mt. Lemmon, specifically Chapters 13.28 - Mt. Lemmon Sewer Connections and 13.32 - Mt. Lemmon User Fee Surcharges. The Chapters that govern Mt. Lemmon sewer connections and conservation surcharges were established in 1982 with the construction of the current Mt. Lemmon Water Reclamation Facility (WRF) in Summerhaven. The PCC was updated in 2004, post Aspen Fire, based on the County's renewal of the contract with the United States Forest Service (USFS) to operate the discharge spray field. RWRD currently serves 32 parcels in Summerhaven with limited additional connections based on the permitted capacity (not to exceed a monthly average 12,500 gallons per day, or 17,000 gallons in any one day, or a total limit of 77 connections).

The proposed revisions will remove the historic elements that once served to reestablish the devastated community after the 2003 Aspen Fire and bring the service area procedures into alignment with the rest of the County served by RWRD. The revisions will also remove references to low flow plumbing fixtures, emphasize the threshold for limited capacity available based on the USFS permit, and includes the proposal to sunset the Standby Status for connections.

### **Discussion:**

The historic requirements and moratorium for connections, and the obsolete special requirements created post Aspen Fire have been removed from Chapter 13.28. These elements of the PCC were once important as the community transitioned from septic to sewer in the early 1980s and again assisted in the recovery from the devastation of the Aspen Fire. In their place is a proposal to align this thriving community's construction and connection process with the existing requirements in Chapter 13.20 - Construction, Connections, and Fees, which are applicable to the regional wastewater system.

In Chapter 13.32, the requirements for low flow plumbing fixtures that were innovative over 30 years ago are now surpassed by the minimum industry standards. RWRD proposes that all sewer users be considered compliant with current conservation standards, based on use of low flow fixtures, and proposes to remove the extra charges for non-compliance. All sewer users will be billed the Conservation Surcharge only when exceeding four (4) Hundred-cubic-feet (CCF) for residential and 40 CCF for commercial, instead of two (2) CCF and 20 CCF respectively.

In alignment with sufficient available capacity at the WRF, a proposal to sunset the Standby Status for connections is relevant. From the original 47 connections prior to the Fire, only 32 parcels currently rely on the sewer system for service. There are five (5) customers on the standby list and the sunset date of June 30, 2023 provides over four (4) years for those customers to complete their connections to the sewer system.

RWRD staff and the Regional Wastewater Reclamation Advisory Committee (RWRAC) have organized and held the following meetings to ensure stakeholders and consumers had the opportunity to provide meaningful input into this process. Meetings were advertised and held in the following order:

- Stakeholders' presentation at the Mt. Lemmon HOA meeting posted in Featured News on the PCRWRD

Home Page, Monday, October 15, 2018

- Stakeholders' presentation at the Mt. Lemmon HOA meeting posted on Mt. Lemmon HOA's Nextdoor App, Tuesday, October 16, 2018

- Stakeholders' presentation on Mt. Lemmon, Saturday, October 20, 2018

- Public Meeting posted in Featured News on the PCRWRD Home Page, Monday, October 29, 2018

- Public Meeting posted on Mt. Lemmon HOA's Nextdoor App, Tuesday, October 30, 2018

- Public Meeting was held by the RWRAC at the Kirk-Bear Canyon Library, Thursday, November 15, 2018.

On November 15, 2018, the RWRAC voted six (6) to one (1), with one (1) member abstaining, in favor of providing a recommendation to the Board of Supervisors to adopt the amendments.

An additional Stakeholders' presentation was held by Supervisor Christy at the Board of Supervisor's Hearing Room, Monday, January 14, 2019.

**Conclusion:**

The requested revisions to Chapters 13.28 and 13.32 are comprehensive updates that align the sewer users of Summerhaven with the remainder of the County, eliminate historic narratives and low flow fixture requirements, sunset the Standby Status within the next four (4) years, and raise the threshold for the Conservation Surcharge for all users.

**Recommendation:**

Recommend that the Board of Supervisors approve and adopt Pima County Ordinance 2019-\_\_\_\_ revising Pima County Public Services Code, Title 13, Division II, Chapter 13.28 - Mt. Lemmon Sewer Connections and Chapter 13.32 - Mt. Lemmon User Fee Surcharges.

**Fiscal Impact:**

There will be no fiscal impact created from the proposed changes to the PCC.

**Board of Supervisor District:**

☐ 1      ☐ 2      ☐ 3      ☒ 4      ☐ 5      ☐ All

---

Department: Pima County Regional Wastewater Reclamation Telephone: (520) 724-6500

Contact: Eric Wieduwilt Telephone: (520) 724-9841

Department Director Signature/Date:  1/15/19

Deputy County Administrator Signature/Date:  1/22/19

County Administrator Signature/Date:  1/23/19

---

**ORDINANCE 2019- \_\_\_\_**

**AN ORDINANCE OF THE BOARD OF  
SUPERVISORS OF PIMA COUNTY, ARIZONA,  
RELATING TO SEWER USER FEE SURCHARGES  
APPLICABLE TO MT. LEMMON RESIDENTS;  
AMENDING THE PIMA COUNTY CODE BY  
AMENDING CHAPTER 13.32 (MT. LEMMON  
CONSERVATION FEES)**

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY,  
ARIZONA:**

SECTION 1. Pima County Code Chapter 13.32 is amended as follows:

Chapter 13.32 - MT. LEMMON CONSERVATION FEES USER FEE SURCHARGES

13.32.005 – Applicability.

The provisions of this Chapter apply only to Users connected to the Mt. Lemmon Public Sewerage System.

13.32.010 - Definitions.

Unless an alternate definition is provided in this Chapter, the definitions of Chapter 13.20 – Sanitary Sewer Construction, Connection, and Fees and 13.24 – Sanitary Sewer User Fees are incorporated herein by reference. For the purposes of this eChapter:

- A. “Conservation Surcharge” means a monthly surcharge, in addition to the Chapter 13.24 User Fee, charged to Users to provide an incentive for water conservation ~~“Commercial user” means one discharging wastewater from establishments operated for profit including, but not limited to, hotels, motels, restaurants and bars, and establishments operated to serve the public including, but not limited to, governmental offices and health clinics.~~
- B. “Daily Flow Rate” means the average of the daily flow rates volume of each day in a month as measured at the treatment plant discharge. This Daily Flow Rate shall not exceed twelve thousand five hundred gallons per day the limit provided in the Forest Service Special Use Permit.
- C. “Summerhaven” means the unincorporated community located on Mt. Lemmon ~~“Department” means the county wastewater management department.~~
- D. ~~“Director” means the director of the department.~~

- ~~E. "Residential user" means a user who discharges domestic wastewater from a dwelling unit which includes, but is not limited to, single family dwellings, cabins, apartments, condominiums, townhouses, mobile homes and manufactured homes regardless of whether the mobile home or manufactured home is located on a separate residential lot or within a mobile home or manufactured home park. Schools are included under this definition for the purpose of this chapter.~~
- ~~F. "Sewerage system" means the county wastewater collection, treatment and disposal system operated by the department exclusive of any piping located beyond the outside diameter of mainline or lateral sewers serving more than one property, regardless of whether the piping is within public right of way or within private property.~~
- ~~G. "User" means one who discharges wastewater into the sewerage system.~~
- ~~H. "User fee" means the monthly charge levied on users of the sewerage system.~~
- ~~I. "Wastewater" means liquid discharge resulting from the use of water for domestic, commercial or industrial purposes.~~
- ~~J. "Water meter" means an enclosed, mechanical device approved by the county and a type which measures and records the quantity of water flow through the device so that a reading of the cumulative quantity of flow can be obtained at any time by a person without special equipment or permission.~~
- ~~K. "Water system" means the source of water and all facilities for collecting, producing, conditioning, storing or distributing water directly for all purposes except plant or crop irrigation, which includes, but is not limited to the following uses: drinking, or production, processing, storing, handling, serving or transportation of food or drink or washing of related utensils, equipment or food-contact surfaces, or bathing, or oral or sanitary hygiene, washing of clothes or dishes.~~

#### 13.32.015 – Inclusion by Reference

- A. Unless specifically modified in this Chapter, the provisions of Chapter 13.20 – Sanitary Sewer Construction, Connection, and Fees apply to all connections to the SCS within Summerhaven.
- B. Unless specifically modified in this Chapter, the provisions of Chapter 13.24 – Sanitary Sewer User Fees apply to all Wastewater customers within Summerhaven.

#### 13.32.020 - Mt. Lemmon Sewer User Fees~~Conservation and standby charges.~~

All persons connected to the SCS in Summerhaven will pay Sewer User Fees as required by Chapter 13.24 except Users will be billed based on monthly billed water volume rather than Winter Quarter Averaging.

- ~~A. A monthly Summerhaven conservation charge is levied on and shall be collected from each Summerhaven user account to which the county is required to provide wastewater~~

collection, treatment and disposal services as evidenced by a property connection permit issued by the department or its predecessors. The monthly conservation charge shall be assessed as set forth in the rate and charge schedule, Table 13.32.020. Monthly conservation charges apply only to improved Summerhaven properties discharging wastewater to the county sewerage system.

B. A monthly standby charge is levied on and shall be collected from each unimproved property to which the county is required to provide wastewater collection, treatment and disposal services as evidenced by a property connection permit issued by the department or its predecessors. The monthly standby charge shall be assessed as set forth in the rate and charge schedule, Table 13.32.020.

### 13.32.030 – Conservation Surcharge.

In addition to the Sewer User Fee due pursuant to Chapter 13.24, all Users connected to the SCS must pay a monthly Conservation Surcharge. Conservation Surcharges support the unique environment on Mt. Lemmon by encouraging sustainable water use. Conservation Surcharges are listed in 13.32.060 Table 1, Schedules A and B.

**Table 13.32.020**

### **RATE AND CHARGE SCHEDULE 13.32.060 – Conservation Surcharge Schedule.**

<b>Schedule A. Residential <u>Conservation Surcharges with low-flow devices:</u></b>	
<b>Monthly Metered Water Flow</b>	<b>Conservation Surcharge</b>
0—4 <u>CCFeef</u>	\$0.00
Greater than 4 <u>CCFeef</u>	Total flow minus 4 <u>CCFeef</u> times \$6.00 per <u>CCFeef</u>
<b>Schedule B. <u>Commercial/Industrial/Multi-family Conservation Surcharges</u> Residential charges without low-flow devices:</b>	
<b>Monthly Metered Water Flow</b>	<b><u>Monthly Conservation Surcharge</u>Charge</b>
0—40 <u>CCF2-eef</u>	\$0.00
Greater than 40 <u>CCF2-eef</u>	Total flow minus 40 <u>CCF2-eef</u> times \$6.00 per <u>CCFeef</u>
<b><del>Schedule C. Commercial charges with low-flow devices.</del></b>	
<b>Monthly Metered Water Flow</b>	<b>Conservation Charge</b>

0—40 ccf	\$0.00
Greater than 40 ccf	Total flow minus 40 ccf times \$6.00 per ccf
<b>Schedule D. Commercial charges without low flow devices:</b>	
<b>Monthly Metered Water Flow</b>	<b>Conservation Charge</b>
0—20 ccf	\$0.00
Greater than 20 ccf	Total flow minus 20 ccf times \$6.00 per ccf
<b>Schedule E. Standby charges:</b>	
<b>Zoning Designation</b>	<b>Monthly Standby Charge</b>
Property zoned MLZ	\$1.50
Property zoned other than MLZ	\$16.50

#### 13.32.030—Amendment and review.

~~Charges, as set forth in accordance with Section 13.32.020, may be amended by resolution of the board of supervisors. Periodic review of the sufficiency of charges shall be accomplished by the department and the results made known to the board of supervisors for its deliberations.~~

#### 13.32.0740 - Discharge allocations.

- A. The County's U.S. Forest Service permit to operate the Public Sewerage System limits monthly average flow and daily maximum flow from the system. In the event that wastewater flows to the sewerage system routinely exceed eighty-five percent of the average daily flow rate limit, then a wastewater discharge allocation to each property being or to be served shall be established by the Board of Supervisors. Allocation will be based on each User's water usage during the prior calendar year and will be apportioned ~~shall be established~~ to maintain an average daily flow of wastewater to effluent from the Public Sewerage System ~~sewerage system~~ below twelve thousand five hundred (12,500) gallons per day the limit and to ensure that the maximum disposal rate for treated wastewater will not exceed the permitted daily maximum. ~~Any wastewater discharge allocation established by the board of supervisors shall limit the wastewater discharge of all users on an equitable basis. The~~ County will ~~department shall~~ provide

Uusers written notice of any allocations developed thirty (30) days before the date when the allocations take effect.

- B. As part of any discharge allocation determination, the Bboard of Ssupervisors shall identify penalty charges for users who exceed this allocation, as well as maximum discharge levels which warrant termination of service.
- C. A violation of any wastewater discharge allocation so established shall be brought to the attention of the Ddirector, who will initiate~~shall cause~~ an investigation of the alleged violation ~~to commence~~ and will~~shall~~ institute an enforcement action consistent with the Bboard of Ssupervisors' policy, if warranted. Any termination of service will only occur after thirty (30) days' written notice, should violations continue.

~~13.32.050—Collection, treatment and disposal charges.~~

- ~~A. Monthly wastewater collection, treatment and disposal bills computed and charged to owners of properties within the community of Summerhaven to which the county has a legal obligation to provide wastewater collection, treatment and disposal service shall comprise either (1) a combination of the user fee as established by Chapter 13.24 of this code, or successor provisions, plus a Summerhaven conservation charge, or (2) a standby charge. Conservation and standby charges shall be as set forth in this chapter.~~
- ~~B. The owner of each property which evidences sewer usage during a monthly billing period shall be assessed a monthly conservation charge, in addition to a user fee as established by Chapter 13.24, as follows:~~
  - ~~1. Residential charges These charges apply to all sewer user classifications except 2M—hotels and motels, 3N—Laundromats, 4G—restaurants with seating and china, and 3L—bars and taverns. Each residential user shall be assessed charges under either Schedule A or Schedule B. To qualify for the charges listed in Schedule A, a residential property shall include the following:~~
    - ~~a. All mixing faucets designed to deliver a maximum of four gallons per minute or equipped with flow control devices that deliver a maximum of four gallons per minute;~~
    - ~~b. All shower heads of a type that delivers a maximum of three gallons per minute or equipped with flow control devices that deliver a maximum of three gallons per minute;~~
    - ~~c. All water closets designed to use a maximum of four gallons per flush;~~
    - ~~d. Evaporative cooling systems equipped with water recycling or re-use systems;~~
    - ~~e. All water fountains, waterfalls and other decorative, water using facilities equipped with water recycling or reusable systems;~~
    - ~~f. A yearly inspection by a licensed plumber, documented by a signed, notarized letter or inspection by the wastewater management department, to ensure maintenance of~~

~~equipment as required. The inspections will be made at the request of the sewer user during the months of June, July and August;~~

- ~~g. Inspection shall be the residential user's responsibility. Residential users that do not participate or do not obtain yearly inspection shall be assessed the charges listed in Schedule B.~~

~~2. Commercial charges: These charges apply to the following sewer user classifications: 2M hotels and motels, 3N Laundromats, 4G restaurants with seating and china, and 3L bars and taverns. Each commercial user shall be assessed charges under either Schedule C or Schedule D. To qualify for the charges listed in Schedule C a commercial property shall include the following:~~

- ~~a. All new hot water recirculating systems including the main supply and return pipes insulated with materials approved by the county building code department pursuant to Section 201, Uniform Plumbing Code, as required in Chapter 14, amended, on water conservation;~~
- ~~b. All shower heads of a type that delivers a maximum of three gallons per minute;~~
- ~~c. All water closets designed to use a maximum of four gallons per flush, except all new commercial users shall utilize water closets designed to use a maximum of two quarts per flush. (However, public use water closets shall comply with Section 901 of the Uniform Plumbing Code—Elongated Bowls and Split seats.);~~
- ~~d. All public use lavatories equipped with either spring loaded faucets that are equipped with metering valves that close automatically after delivering a maximum of one gallon, except public restrooms may be equipped with faucets designed for use by the physically handicapped.~~

~~All mixing faucets shall be designed to deliver a maximum of four gallons per minute or must be equipped with flow control devices that deliver a maximum of four gallons per minute;~~

- ~~e. All fountains, waterfalls and other decorative, water-using facilities equipped with water recycling or reuse systems;~~
- ~~f. All urinals designed to use a maximum of two gallons per flush. No urinals shall be installed which use a timing device to flush periodically, irrespective of demand;~~
- ~~g. A yearly inspection of by a licensed plumber, documented by a signed, notarized letter, or inspection by the wastewater management department, to ensure maintenance of equipment as required. This inspection will be made at the request of the sewer user during the months of June, July and August;~~
- ~~h. Inspection shall be the commercial user's responsibility. Commercial users that do not participate or do not obtain yearly inspection shall be assessed the charges listed in Schedule D.~~



3. ~~Standby charges: The owner of each unimproved property entitled to sewer service shall be assessed a monthly standby charge for wastewater collection, treatment and disposal capacity reserved to that property until such time as sewage is discharged from the property. Standby charges shall be assessed in accordance with the current Mt. Lemmon Community Plan as approved by the board of supervisors as listed in Schedule E.~~

~~13.32.060 — Adopted provisions:~~

~~The following list of sections of this title, as adopted by the board of supervisors, or such provisions as may succeed the following referenced sections, are incorporated into and made a part of this chapter except as they may conflict with the provisions of this chapter:~~

<del>13.24.020</del>	<del>Definitions.</del>
<del>13.24.040</del>	<del>Protest and review.</del>
<del>13.24.070</del>	<del>Private wells and water companies.</del>
<del>13.24.080</del>	<del>Taxes added.</del>
<del>13.24.090</del>	<del>Billing.</del>
<del>13.24.100</del>	<del>Deposits.</del>
<del>13.24.110</del>	<del>Use of funds — Operating expenses.</del>
<del>13.24.120</del>	<del>Use of funds — Bonded indebtedness.</del>
<del>13.24.130</del>	<del>Service discontinuance</del>
<del>13.24.140</del>	<del>Payment.</del>
<del>13.24.160</del>	<del>Agreements superseded.</del>
<del>13.24.170</del>	<del>Delinquency penalties.*</del>

SECTION 2. This ordinance is effective 30 days after the date of adoption.

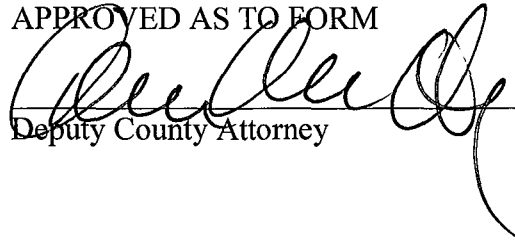
PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this \_\_\_\_ day  
of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Chairman, Pima County Board of Supervisors

ATTEST:

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

APPROVED AS TO FORM

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