



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: August 19, 2019

Title: Proposed Text Amendment of Pima County Code Chapter 13.20 - Construction, Connection, and Fees

Introduction/Background:

The Regional Wastewater Reclamation Department (RWRD) is proposing text amendments to Pima County Code (PCC) for Chapter 13.20 - Construction, Connection, and Fees. Included within amended Chapter 13.20 is new language transferred from Chapters 13.12 - Preliminary Sewer Layout Requirements, 13.16 - Design Standards for Public Sewerage. Chapters 13.12 and 13.16 will be deleted in their entirety.

Discussion:

The three chapters of the PCC govern wastewater for new development have not been thoroughly reviewed for functionality and consistency since the early 1980s. Changes in the amended Chapter 13.20 include:

- An entire reorganization of existing language and clarification of naming conventions and definitions.
- Removal of process-related language. The processes will be delineated in new Department procedures and policies.
- Explanation of the purpose and elements of allocating sewer capacity for new development.
- Identification of the unique relationship between the County and large state and federal agencies (e.g. University of Arizona, Davis-Monthan AFB, Pascua Yaqui Indian Nation) regarding sewer service.
- Relocation of the Customer Service and Construction Permit Fees from the text amendment of Chapter 13.20 to a non code Ordinance (under a separate BOS action for adoption) that is consistent with fee practices of Pima County Development Services Department. The Wastewater Utility Fees (aka Connection Fees), Discounts, and Credits will remain in the PCC.
- Establishment that a review fee for private connection to the public sewer will be charged under the existing plan review fee item. This fee was noticed by posting on the Pima County Proposed Taxes and Fees website on June 12, 2019 to comply with the 60-day notice requirement.

Stakeholder outreach included:

- Presentations on Wednesday, December 12, 2018 and Thursday, January 10, 2019 at the Joel D Valdez Main Library.
- Discussions with stakeholder representatives from Southern Arizona Home Builders Association and Metropolitan Pima Alliance during February, March, and April, 2019.

Letters of support have been received from the Regional Wastewater Reclamation Advisory Committee, Southern Arizona Home Builders Association, and Metropolitan Pima Alliance.

Conclusion:

The code text amendment proposed for Chapter 13.20 updates current language to provide a higher degree of usability and clarity for the public, outlines the service relationship with large agencies, and ensures fees are collected for the review of private connections to the public sewer system.

Recommendation:

Recommend that Board of Supervisors approve and adopt Pima County Ordinance 2019-_____ revising Pima County Public Services Code, Title 13, Division II, Chapter 13.20 - Sanitary Sewer Construction, Connection, and Fees, Chapter 13.12 - Preliminary Sewer Layout Requirements, and Chapter 13.16 - Design Standards for Public Sewerage Facilities.

Fiscal Impact:

Minimal to the public and will provide efficiencies for County staff.

Board of Supervisor District:

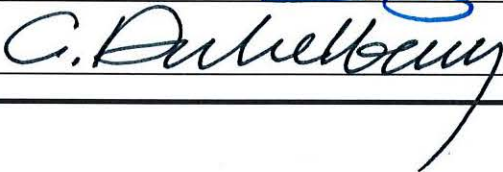
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Department: Regional Wastewater Reclamation Dept. Telephone: 724-6500

Contact: Eric Wieduwilt Telephone: 724-9841

Department Director Signature/Date:  7/24/19

Deputy County Administrator Signature/Date:  7/31/19

County Administrator Signature/Date:  7/31/19



WASTEWATER RECLAMATION
201 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1207

JACKSON JENKINS
DIRECTOR

PH: (520) 724-6500
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July 19, 2019

TO: C. H. Huckelberry, Pima County Administrator
THRU: Carmine DeBonis, Jr., Deputy Pima County Administrator for Public Works
FROM: Jackson Jenkins, Director, RWRD 
SUBJECT: **Proposed Text Amendment of Pima County Code Chapter 13.20 – Construction, Connection, and Fees**

The Regional Wastewater Reclamation Department (RWRD) is proposing text amendments to Pima County Code (PCC) for Chapter 13.20 – Construction, Connection, and Fees. Included within amended Chapter 13.20 is new language transferred from Chapters 13.12 - Preliminary Sewer Layout Requirements, 13.16 - Design Standards for Public Sewerage. Chapters 13.12 and 13.16 will be deleted in their entirety.

These three chapters of the PCC govern wastewater services for new development and have not been thoroughly reviewed for functionality and consistency since the early 1980s. Changes in amended Chapter 13.20 include:

- An entire reorganization of existing language and clarification of naming conventions and definitions.
- Removal of process-related language. The processes will be delineated in new Department procedures and policies.
- Explanation of the purpose and elements of allocating sewer capacity for new development.
- Identification of the unique relationship between the County and large state and federal agencies (e.g. University of Arizona, Davis-Monthan AFB, Pascua Yaqui Indian Nation) regarding sewer service.
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Attachments:

BOS- AIR Proposed Text Amendments of Pima County Code Chapter 13.20 – Construction, Connections, and Fees
Proposed Ordinance for PCC 13.20 – Construction, Connections, and Fees (Blackline and Clean)
Letter of Support from Regional Wastewater Reclamation Advisory Committee
Letter of Support from Southern Arizona Home Builders Association
Letter of Support from Metropolitan Pima Alliance
60-day Public Notice of Proposed Code Amendments for Wastewater Construction, Connections, Fees for New Development, Preliminary Sewer Layout, and Design Standards



REGIONAL WASTEWATER RECLAMATION ADVISORY COMMITTEE
201 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1207

May 13, 2019

The Honorable Chairman and Members
Pima County Board of Supervisors
130 West Congress Street, 11th Floor
Tucson, Arizona 85701

RE: Proposed Revision of the Pima County Code 13.20 – Construction, Connection, and Fees

Dear Honorable Chairman and Members:

The Pima County Regional Wastewater Reclamation Advisory Committee (RWRAC) was established by the Pima County Board of Supervisors, in part, to act as an official advisory body on the Regional Wastewater Reclamation Department's (RWRD) proposals for significant changes regulating RWRD's business processes. RWRD has been working closely with the Pima County Development Services Department and the development community in forming the proposed revision of the Pima County Code (PCC) 13.20. Stakeholder meetings were held on December 12, 2018 and January 10, 2019 followed by several special meetings with Southern Arizona Homebuilders' Association and Metropolitan Pima Alliance and various representatives from the development community. All comments received from external and internal stakeholders have been addressed.

The major changes to the chapter is the total reorganization of the narrative that provides clarity, functionality, and alignment with the County's current development processes. In addition, fees for customer service functions and construction permits have been moved to a separate, non-code proposed ordinance. As a point of clarification, the review of private sewer connection plans is now assessed a review fee under the plan review process. No additional changes to customer service fees are being considered until the current processes can be evaluated for improvements and a level of effort assessment is completed.

Minor changes to the chapter include the incorporation of PCC 13.12 – Preliminary Sewer Layout and 13.16 – Design Standards for Public Sewerage Facilities into 13.20, and separate sections devoted to Capacity, Large Agency Agreement, Private Sewer Connection, and Protection of the Existing Public Sewer Conveyance System.

The Honorable Chairman and Members, Pima County Board of Supervisors

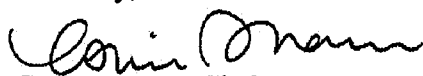
Re: Proposed Revision of the Pima County Code 13.20 – Construction, Connection, and Fees

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On April 25, 2019, the RWRAC unanimously voted to recommend to the Pima County Board of Supervisors to adopt the proposed revisions of Chapter 13.20 and the non-code ordinance for the customer service fees and construction permit fees.

The members of the RWRAC look forward to continuing a close working relationship with the Board of Supervisors and the Regional Wastewater Reclamation Department. All committee members are available at your convenience for any questions or further discussion.

Sincerely,



Corin Marron, Chair



Charles Matthewson, Vice Chair

c: C.H. Huckelberry, County Administrator, Pima County
Tom Burke, Deputy County Administrator – Administration, Pima County
Carmine DeBonis, Deputy County Administrator – Public Works, Pima County
Yves Khawam, Assistant County Administrator – Public Works, Pima County
Jackson Jenkins, Director, Regional Wastewater Reclamation Department
Julie Castaneda, Clerk of the Board, Pima County
Charles Wesselhoft, Deputy County Attorney, Pima County Attorney's Office
Members, Regional Wastewater Reclamation Advisory Committee



Metropolitan Pima Alliance

July 9, 2019,

Honorable Supervisors of the Board
130 W. Congress Street, 11th Floor
Tucson, AZ. 85701

RE: 13.20 Construction, Connections and Fees: Text Amendments

Dear Supervisors of the Board:

Metropolitan Pima Alliance (MPA) is dedicated to advocating responsible development in the Pima County metropolitan area and furthering the interests of the real estate and development industry. We are an alliance of over 150 local and national business, government and non-profit organizations with a vested interest in how land is developed in Pima County.

In November of 2018 MPA staff and Board Members met with Eric Wieduwilt, Deputy Director of the Regional Wastewater Reclamation Department to discuss proposed changes to County code 13.20-Construction, Connections and Fees. Several subsequent meetings with RWRD staff, PDSD staff and County administration occurred over the next 6 months. MPA worked with staff to expand our discussions past the initial proposed fee increases and language changes to include an evaluation of the current customer service process, to ensure it is as user friendly and efficient as possible.

The result of these meetings and conversations was to remove the proposed fees and focus instead on the language of the ordinance as well as the customer service process. The proposed code text amendment is reflective of a truly collaborative process, one that MPA fully supports and believes will be beneficial for the development community and the continued growth of the County.

The time and effort taken by Eric and County staff to meet with MPA and our members to ensure our concerns were not only heard but also addressed is greatly appreciated.

MPA requests you support our members and the RWRD staff in approving the proposed text amendments to code 13.20.

Sincerely,

Allyson Solomon
Executive Director
Metropolitan Pima Alliance

Metropolitan Pima Alliance

PO Box 2790
Tucson, AZ 85702
www.mpaaz.org





**Southern Arizona
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Lennar Homes

Secretary/Treasurer

Ginger Kneup
Bright Future Real Estate
Research, LLC

Immediate Past Chair

Brent Davis
DR Horton

Affiliated With



July 3, 2019

Mr. Eric Wieduwilt
201 N. Stone Avenue, 3rd floor
Tucson, Arizona 85701

RE: Sanitary Sewer Construction, Connections, and Fees

Dear Mr. Wieduwilt,

Thank you for your outreach to the building industry to discuss the Sewer Construction, Connection and Fees code text amendment. SAHBA supports the current amendment soon to be considered by the Board of Supervisors.

We appreciate the increased collaboration with the development community in this effort including incorporating suggestions into the ordinance and considering industry feedback in determining to separate the ordinance review from fee structure discussions. This effort should better serve future discussions with RWRD as it reviews its processes prior to determining appropriate fee levels which support department objectives while facilitating new residential development.

Sincerely,

Shawn Cote

ORDINANCE 2019-__

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:

13.20.010 Purpose.

~~The purpose of this chapter is to regulate connections to the Pima County public sanitary sewerage system by establishing requirements and procedures for design and construction of public gravity sanitary sewer lines by an applicant, the construction and/or implementation of wastewater pumping systems by an applicant, connection to the public sanitary sewerage system, fees and charges, credits and rebates.~~

13.20.020 13.20.100 – Acronyms and Definitions.

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

~~The following definitions apply throughout this chapter:~~

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.

12. ~~"Applicant" means the owner or a representative of the owner of the property or unit 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 connection to the public sanitary sewerage system of Pima County.~~
23. ~~"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." "Approved" or "approval" means approved or approval in writing.~~
34. ~~"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.~~
45. ~~"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 "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.~~
56. ~~"Augment" or "Augmentation" or "Augmenting" means the construction of a System Improvement public sanitary sewerage facilities adjacent to or in replacement of existing public sanitary sewerage facilities for the purpose of increasing the capacity of the PSCS public system.~~
67. ~~"Base sanitary sewerage facility Pipe Size" means the minimum pipe size 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.~~
78. ~~"Building Connection Sewer" (or BCS) means the private sewer connecting a non-Residential building to the PSCS 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.~~
9. ~~"Capacity Allocation" means a formal commitment of PSCS and treatment capacity for a proposed Development.~~
8. ~~"Ccf" means one hundred cubic feet of flow or approximately seven hundred forty-eight gallons.~~
10. ~~"Clearance" means the written Acceptance of a third-party construction activity within proximity of the PSCS.~~
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.
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 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~~ "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. "Currently served area" means ~~any property that abuts an existing public gravity sanitary sewer.~~
1817. "Department" means Pima County regional wastewater reclamation department the Pima County Regional Wastewater Reclamation Department or any successor County department.
1918. "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~~ a Person contracting with the County to design and construct a System Improvement or connection to the PSCS.
2019. "Development" means one or more ~~properties in common ownership which are under consideration for service or served by the Department.~~
2120. "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~~ 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. "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.
2422. "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 Wastewater originating from future Development that would flow through a sewer located within an Area Under Development or municipality.
25. "Gpd" means gallons per day.
2623. "House connection sewer" (or HCS) means the private sewer ~~between the residential building and the public or private collection 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.
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.
3125. "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.
3226. "Off-site sanitary sewerage System improvements" means all sanitary sewerage construction necessary to connect on-site facilities to an existing public sanitary sewerage system as required by the department a System Improvement outside of the boundaries of the Property necessary to connect an Area Under Development to the PSCS.
33. "On-site sanitary sewerage improvements" means all sewerage system facilities within the area under development.
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.
3435. "Qualifying public sewer System improvement" means an addition to the public sewer system conforming to the requirements of Section 13.02.045(C) Off-site System Improvement constructed by the Applicant that is capable of serving other downstream properties in addition to the Area Under Development.
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.

4536. "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 on one Residential structure on a single lot which is zoned as single family residential and which may include detached structures.
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.
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.
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.

5144. "Special Facility" means a sanitary sewage treatment or conveyance facility constructed by a governmental agency or developer for a non-County project that is System Improvement intended to be accepted Transferred into the Public sanitary sewerage system PSCS, and which requires additional operation and maintenance expenditures above those generally associated with subdivision gravity sewers functionality (e.g. pump station system, odor control system, package treatment system). 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.

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.

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

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

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.

5647. "Transfer" or "Transferred" 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 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.

5748. "Unit" means an element of Property Development, either dwelling, fixture or building, which can be identified as an individual entity an individual sewage discharge point for purposes of Wastewater flow calculations and connection fee Wastewater Utility Fee assessment.

49. "User" means a Person who discharges Sewage to the Public Sewerage System.

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

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.

5951. "Wastewater" means sanitary sewage 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.

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

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

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.

13.20.025 Access to the public sanitary sewage conveyance system.

~~No person shall open or enter the public sanitary sewage conveyance system, or insert any object or dump any solid or liquid material into the public sanitary sewage conveyance system, or allow any object or any solid or liquid material to enter the public sanitary sewage conveyance system, except as authorized in advance by the department in accordance with established departmental directives. Swimming pool drainage and back wash waters may be discharged to the sewers as authorized by the department.~~

13.20.026 Planning for expansion and/or extension of public sanitary sewerage system.

~~A. Development within Currently Served Area. The following process shall be followed when an applicant is proposing development of a parcel or parcels of land within an area that is already served by the public sanitary sewerage system:~~

1. ~~Request for Capacity Analysis.~~ The applicant shall submit a request for capacity analysis that specifies the amount and type of development contemplated and the time frame when capacity and service will be needed. The department shall provide the applicant with an analysis of the current availability of conveyance and treatment capacity. ~~Should capacity not be currently available, the department shall inform the applicant as to when capacity will be available and the specific projects that will provide the needed capacity. If there are no projects planned to provide the needed capacity, the department shall inform the applicant as to what the applicant shall need to do to provide the needed capacity.~~

2. ~~Over-sizing, Augmentation and/or Flow through.~~ The department shall inform the applicant of any requirements for over-sizing, augmentation and/or flow through. The applicant shall be required to design and construct these improvements in addition to the on-site sewers required to serve the proposed development.

3. ~~Sewer Service Agreement.~~ Pima County and the applicant may enter into an agreement requiring the applicant to construct improvements. Applicant's failure to complete construction of the specified improvements or of the development within the time period specified by the agreement shall render void the county's commitment to provide sewer service to the undeveloped portion of the area under development. The requirements for over-sizing, augmentation, flow through or granting of connection fee discounts or connection fee over-sizing credits shall be documented in any formal sewer service agreement executed by the applicant and department. Those projects that require only on-site sewer construction shall be documented by letter agreement.

B. ~~Development Outside Currently Served Area.~~ The following process shall be followed when an applicant is proposing development of a parcel or parcels of land outside the area that is served by the public sanitary sewerage system:

1. ~~Request for Capacity Analysis.~~ The applicant shall submit a request for capacity analysis that specifies the amount and type of development contemplated and the time frame when capacity and service will be needed. The department shall provide the applicant with an analysis of the current availability of conveyance and treatment capacity. ~~Should capacity not be currently available, the department shall inform the applicant as to when capacity will be available and the specific projects that will provide the needed capacity. If there are no projects planned to provide the needed capacity, the department shall inform the applicant as to what the applicant will need to do to provide the needed capacity.~~

2. ~~Basin Study.~~ The applicant may be required to prepare a basin study evaluating the potential flows and pipe sizes required to convey the anticipated flows from the proposed development and any upstream tributary areas. Over-sizing of pipes to accommodate anticipated flows from upstream tributary areas shall be documented in the basin study. The basin study will identify the proposed routing and pipe sizes required to convey the anticipated flows. The basin study will also evaluate the need for flow through and any over-sizing and augmentation of the downstream collection and conveyance system.

3. ~~Sewer Service Agreement.~~ Pima County and the applicant may enter into an agreement that specifies the required improvements that will be made by the applicant. The requirements for over-sizing augmentation, flow through or granting of connection fee discounts or connection fee over-sizing credits shall be documented in any formal sewer service agreement executed by the applicant

and department. Those projects that require only construction of non-qualifying public sewers in addition to on-site sewer construction shall be documented by letter agreement.

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.

13.20.030 Construction or modification of public sanitary sewerage facilities.

A. Construction of Public Facilities.

1. The department may grant permission for an applicant to construct public sanitary sewerage facilities. The director is authorized to decide whether all or part of a sanitary sewerage system will be accepted into the public system. Applicant may be required to design and construct the public sanitary sewerage facilities so as to provide capacity and service to all up-gradient property. The applicant may be required to augment existing downstream public sanitary sewerage facilities in order to provide capacity for the applicant's development. All on-site and off-site public facilities shall be designed and constructed in conformance with the latest editions of the "Pima County

Regional Wastewater Reclamation Department Engineering Design Standards 2012, and the "Pima County Regional Wastewater Reclamation Department Standard Specifications and Details for Construction 2012," adopted by reference at Pima County Code, Title 13, Chapter 16, and as modified by Department directive. Public sanitary sewers shall also meet the design requirements of state of Arizona Administrative Code Title 18 Chapter 9. Public sanitary sewerage facilities and related improvements shall be constructed at the sole expense of the applicant. The size and location of public gravity sanitary sewage conveyance facilities shall be not less than eight inches in internal diameter and shall be routed so as to be positioned beneath the paved portions of public roads, streets, avenues, alleys and public rights of way, or within dedicated public sewer easements under paved private streets, to the maximum degree possible in order to maximize visual access and to maximize unrestricted twenty-four hour maintenance vehicle access over and to the public sanitary sewerage facilities. The location of public sanitary sewerage facilities in easements or in areas with restricted vehicular access may be allowed on a case-by-case basis only if no alternative alignment is deemed feasible by the department. In those instances where new sewers are not placed beneath the paved portions of roads/streets, surface improvements sufficient to provide the department's sewer maintenance vehicles with unrestricted year round, all-weather access to the public sanitary sewerage facilities shall be required. The required surface improvements shall accommodate the weight and turning radii of the department's sewer maintenance vehicles, and include turnaround areas as specified by the department.

2. Applicant shall submit for review by the department or its designated agent any and all plans that apply to the type of project being proposed including tentative subdivision plats, final subdivision plats, development plans, landscape plans, paving and grading plans, and public sanitary sewer construction plans. Applicant shall pay a review fee for each submittal. For each type of plan or plat the fee for the first submittal is one hundred sixty-six dollars plus fifty dollars per sheet. The second submittal is fifty dollars per sheet. Third and subsequent submittals are thirty-nine dollars per sheet.

B. Modification of Existing Public Facilities:

1. The department may grant permission for an applicant to modify existing public sanitary sewage facilities. The applicant shall prepare and submit plans and specifications to the department for review and approval, and pay the requisite review fees in accordance with the following schedule:

Utility Plan Review Fee Schedule

Requests for information, project notification, or preliminary plans	no charge
Plans that are 30% to 50% complete	\$30/sheet
Plans that are 51 % to 100% complete	\$60/sheet
Plans that are 51 % to 100% complete for which there has been a previous submittal	\$30/sheet

The department may require the applicant to modify the design of the project in order to provide unrestricted twenty-four hour maintenance vehicle access to public sewer manholes, cleanouts and other system structures.

2. Plans are valid for two years after approval. The fees for the review of expired plans are the fees in effect at the time of the resubmittal.

3. No fee shall be refunded. All plans that are not complete, including fee payment at the time of submission, shall be rejected.

4. Once the department has approved the plans, the applicant shall make application to the Arizona Department of Environmental Quality or its delegated representative for a construction authorization as required by Arizona Administrative Code Title 18, Chapter 9. Upon completion of construction, the applicant shall submit to the department as-built drawings, and engineer's certificate of completion, leakage test results, and all other documentation required by Arizona Administrative Code Title 18, Chapter 9 to obtain a discharge authorization from the Arizona Department of Environmental Quality.

5. The modification shall not be accepted into the public sewerage system until any necessary discharge authorization from the Arizona Department of Environmental Quality or its delegated representative has been submitted to the department.

C. Site Grading Over Existing Public Sanitary Sewer. Regardless of whether or not physical modifications to an existing public sanitary sewer are proposed, any proposed modification of the ground surface elevation in or near an existing public sanitary sewer shall be reviewed by the department. The department may require modification of the proposed grading plan if changes in existing ground surface elevation will hamper access of maintenance vehicles, increase the potential for surface water runoff over sanitary sewer manholes or cleanouts, or reduce the burial depth of the public sanitary sewer below established design minimums.

D. Permits for Construction.

1. Public sewerage facilities project construction permits. Prior to constructing or contracting for the construction, rehabilitation, relocation, reconstruction, augmentation, repair or installation of a gravity sanitary sewer, wastewater pumping system, sanitary sewer system extension or wastewater treatment facility, in whole or in part, the applicant shall obtain a project construction permit from the department. At least three working days prior to commencement of construction, the applicant's contractor shall attend a preconstruction conference with staff of the wastewater management field engineering office. Failure to do so may result in the rejection of any public sewerage facilities constructed prior to the time that the preconstruction conference is held. The field engineering office may require the applicant's contractor to submit a construction schedule at the time of the preconstruction conference. If the contractor subsequently modifies the construction schedule or delays the work in excess of two weeks without prior notification to the field engineering office, the construction permit may be terminated by specific notice to the local offices of the applicant's contractor. If the construction permit has been terminated or if the construction for which the permit is issued is not completed within the approved period of time, the applicant shall renew the construction permit for an additional period of time and shall pay a renewal fee, as provided in Section 13.20.030(D)(1)(f). The public sewerage facilities project construction permit shall not be issued until the following requirements have been met:

- a. Approval of the project concept, which may include approval of location, alignment, maintenance accessibility, necessity, capacity, conditions of hydraulic flow, mitigation of odors, points and methods of connection and other significant factors has been granted by the department or its delegated representative.
- b. Acceptance by the department, or its delegated representative, that the plans and

specifications for the proposed construction or installation, signed by a licensed professional engineer, are in compliance with department standards and specifications as well as the general and specific department conditions for the project;

c. Submission of letter of application and affirmation of cost for review and approval by the department;

d. Submission of copies of itemized bids signed by the contractor and by the applicant;

e. Submission of evidence that all required easements, whether permanent or temporary (for the purposes of construction), have been approved and recorded;

f. Payment of project construction permit fees, which shall be an administrative fee of twenty-five dollars plus two and one-half percent of the affirmed contract price for construction of the sanitary sewerage facilities. Renewal of an expired project construction permit shall require payment of an additional inspection fee which shall be one percent of the affirmed contract price of the construction;

g. Submission of a "construction authorization" for the project from the Arizona Department of Environmental Quality or its delegated representative.

2. Discharges prohibited prior to completion of acceptance testing. No person shall discharge sanitary sewage into a new sewage conveyance facility before a discharge authorization has been issued by the appropriate regulatory agency for that facility. An applicant or an applicant's contractor that allows the discharge of sanitary sewage to a new sewage conveyance facility prior to completion of acceptance testing shall clean the affected length of the conveyance facility and restore the interior of the conveyance facility to a like new condition. Arizona Department of Environmental Quality discharge authorization must be obtained before a new public sewer can be placed in service.

3. Cease Construction Order. When just cause exists, the director, or an authorized representative, is empowered to issue a cease construction order for any project that has been issued a public sewerage facilities project construction permit or a small construction activity permit. A written cease construction order shall be addressed to the permittee, if any, and to the contractor's official responsible for the performance of the contractor. Delivery of a written cease construction order shall be accomplished by hand delivery, electronic delivery or by postal delivery and shall be effective upon receipt. The cease construction order, whether oral or written, shall state the reason for which the order is given. Upon receipt of a cease construction order, the permittee, if any, and the contractor shall stop work immediately and within three working days schedule a meeting with the department to discuss remedies available to cure the reason for which the cease construction order was given and to affect a rescission of the cease construction order.

a. A cease construction order may be an oral order given to the contractor's senior on-site representative when required to protect the life, health or safety of any person or the state of the environment, or to prevent the introduction of unallowable (in type and/or quantity) foreign material into an active public sanitary sewage conveyance facility to the detriment of the public sanitary sewerage system or its ability to convey or treat sanitary sewage, or to prevent the immediate introduction of any surface water into an active public sanitary sewage conveyance facility, or to prevent damage to existing public sanitary sewage conveyance system facilities from construction activities. An oral cease construction order shall be effective when given, and

shall be ratified by a written cease construction order delivered within twenty four hours by hand delivery or by postal delivery to the permittee or project owner and to the contractor.

b. The director, or an authorized representative, may issue a written cease construction order when required to stop an ongoing and serious disregard of the construction contract documents (as approved by the department) and after successive oral or written notifications to the permittee or the permittee's on-site representative or to the contractor or the contractor's on-site representative that the construction contract documents, as approved by the department, are being disregarded.

c. Failure of a permittee or of a contractor to cease construction immediately upon receipt of a cease construction order may result, at the discretion of the director, in the revocation of the project construction permit.

E. ~~As-built~~ Construction Drawings. "As-built" construction drawings for all public sanitary sewer construction, whether for new conveyance system facilities or for the repair, replacement, or rehabilitation of existing conveyance system facilities, are required to be submitted to Arizona Department of Environmental Quality and wastewater management for review and approval prior to release of the sewer for use. Emergency repairs are exempt from the prior approval requirement but not from the requirement to submit as-builts. As-builts shall show the "Arizona State Plane Coordinates" provided by conventional land surveying techniques, on Survey Grade Global Positioning systems, referenced to the specified datums for each structural facility constructed.

F. Bill of Sale. Upon completion of construction and final approval by the department of the sanitary sewerage facilities previously agreed by the department to be added to the public sanitary sewerage system, and upon delivery to the department of all required approved and recorded easements and the required number of sets of operations and maintenance manuals for wastewater pumping facilities and "as-built" drawings of sanitary sewerage facilities to be conveyed to the county, applicant shall convey all of its right, title and interest in and to the newly constructed sanitary sewerage facilities to Pima County, free and clear of liens, claims, charges and encumbrances. The transfer of the right, title and interest in and to the sewerage facilities shall be accomplished by a bill of sale prepared by Pima County. The applicant shall warrant that all work shall be free from any defects due to poor workmanship or materials for a period of one year from the acceptance of a bill of sale by the department on behalf of the board of supervisors. The applicant shall make necessary repairs to correct the defects as determined by the county at applicant's sole cost and expense.

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.

13.20.035 Private sanitary sewerage conveyance systems.

- A. A private sewage conveyance system may connect to the public sewerage system only at a location and in a manner approved by the department prior to any connection.
- B. If required by Arizona Administrative Code Title 18, Chapter 9, a construction authorization for the private sanitary sewage conveyance system shall be obtained from the Arizona Department of Environmental Quality or its delegated representative before any permit shall be issued to connect the private conveyance system to the public sewerage system.
- C. A private sewage conveyance system under construction shall be mechanically plugged at the point of connection to the public sewerage system and shall not discharge into the public sewerage system until:

1. Discharge authorization required by Arizona Administrative Code Title 18, Chapter 9 has been obtained;
 2. Any necessary approvals required by other appropriate regulatory authorities have been obtained;
 3. The department has inspected and approved the connection to the public sewerage system.
- D. The owner, or an authorized homeowners' association, shall be responsible for the maintenance, operation and repair or replacement of a private gravity or pressure sewage conveyance system. This responsibility extends from the point of physical connection to the public sanitary sewage conveyance main in the adjacent street, alley or easement to and including the plumbing fixtures within the connected building.
- E. A building connection permit shall not be issued for any building in a multiple unit subdivision or development that incorporates a private wastewater pumping system, as part of a private sanitary sewage conveyance system, until:
1. The private wastewater pumping system has received final inspection and has been approved by the appropriate regulatory agency;
 2. A homeowners' association has been duly formed and is a matter of public record; and
 3. The homeowners' association has either directly employed or has contracted for the services of a trained wastewater pumping system operator that has a valid state of Arizona certification to operate the private wastewater pumping system. The building connection permits shall be conditioned on the continued services of a certified operator to operate and maintain the private sewage conveyance system for the owner or homeowners' association.
- F. The person responsible for the construction of a private sanitary sewage conveyance system that includes manhole or cleanout structures shall install covers with the words "private sanitary sewer" cast into the metal.
- G. A property owner shall be responsible for funding and expeditiously taking all actions necessary to correct all private sanitary sewage conveyance system occurrences that result in sanitary sewer overflow events, exfiltration of wastewater, or cause non-wastewater infiltration or inflow to the public sanitary sewerage system.
- H. Private sanitary sewers shall meet the design requirements of Arizona Administrative Code Title 18, Chapter 9, when the design flow is equal to or greater than three thousand gpd.
- I. Building and house connection sewers shall be designed in accordance with the appropriate building or plumbing codes administered by the jurisdiction within which the development is located.

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.

13.20.040 Connection to the public sanitary sewerage system.

~~A. Application for New Service. An applicant wishing to connect a new structure or structures to the public sanitary sewerage system shall submit plans, either previously approved by the Department or a sewer layout plan depicting the direct connection of a BCS or HCS, to the department showing the method and location of the proposed connection and documentation as specified in paragraph 4, below, stating the water meter size(s) to serve planned structure(s). The department shall review the plans and approve them if not previously approved, notify the applicant in writing of the approval of the submitted plans, or notify the applicant in writing of modifications necessary for approval. Once the plans have been approved by the department, the department shall calculate the applicable sewer connection fees.~~

~~1. Payment of Sewer Connection Fees. Sewer connection fees shall be paid or applicant shall have entered into a suitable payment schedule with the county prior to issuance of any plumbing or building permit. No temporary or final occupancy permits shall be issued until connection fees have been paid for the structure to be occupied. The department may refuse to provide service to the property if connection fees have not been paid. HCS only, foundation, pad, grading or any other permit that is issued without payment of connection fees shall be clearly labeled by the permitting agency that sewer connection fees have not been paid and that proof of payment of sewer connection fees is required prior to occupancy of the structure or structures. Should occupancy occur prior to payment of sewer connection fees, the owner and permitting agency shall be liable~~

for payment of an administrative fee, legal and collection costs, and applicable interest in addition to the required sewer connection fees.

2. ~~Private Pumping Systems. No private pumping system shall connect to the public sewer system unless: (i) applicant provides proof of system approval by the appropriate jurisdiction; and (ii) connection fees have been paid in full or, in the alternative applicant has entered into a payment schedule with county pursuant to subsection 13.20.045(L) for each dwelling and commercial/industrial facility discharging to the private sewer system. The department may require that the applicant obtain an industrial wastewater control permit if the private pumping system is intended to serve a commercial/industrial facility or more than two residential dwelling units. The department shall require the owner to design and operate the private pumping system so that it does not release deleterious or noxious gasses or liquid wastes prohibited by the industrial wastewater control for release to the public sanitary sewerage system or the environment.~~

3. ~~Conversion from Private On-site Sewage Disposal System. Whenever commercial/industrial/multi-family applicant requests conversion of a structure from a private on-site sewage disposal system connection to a public sanitary sewerage system connection, the department shall verify the water meter size in order to assess the appropriate connection fees. If the structure has a commercial or industrial use, the applicant may be required to obtain an industrial wastewater control permit before being allowed to connect to the public sanitary sewerage system.~~

4. ~~Water meters.~~

a. ~~Water Supplied by Municipal Corporation, Special Taxing District, or Private Water Company. For purposes of determining connection fees, applicant will provide one of the following to the department for connection fee calculation and payment prior to issuance of a building permit:~~

- ~~i. Water provider receipt showing size of purchased water meter;~~
- ~~ii. Water provider receipt for meter security deposit showing meter size; or~~
- ~~iii. Approved plumbing plan or water plan indicating engineer's required water meter size.~~

b. ~~Water Supplied by Private Wells. No connection to the public sewerage system will be allowed unless applicant installs a permanent, accurate meter in the water supply line between the private well and dwellings and commercial/industrial buildings that discharges to the public sewer or, in the alternative, installs a wastewater metering device on the private sanitary sewage conveyance line discharging to the public sewer. The department shall verify the water or wastewater meter size.~~

B. ~~Modification, Demolition or Replacement of Structures. No additional connection fees will be due for plumbing modifications to residential structures provided, however, that additional connection fees will be due if a person changes the use of a structure from residential to commercial/industrial/multi-family. Additional connection fees will be due if a person makes changes to a commercial/industrial/multi-family structure that result in an increase in water or wastewater meter size. If the meter size was increased after January 1, 2012 without a change in use or a plumbing system modification, the previous meter size will be used in the future as the basis for calculating a new connection fee. For commercial shell buildings, within an approved site plan or development plan, that have remaining unimproved space available for a first-time tenant improvement (no previous use), the full connection fee for the buildings are due at the time of the next tenant improvement after the effective date of the ordinance, and will be calculated using the meter size(s) supplying the shell building and improvements minus any~~

previous connecting fees paid for the shell buildings. In the event that a change in service is proposed and that change will result in an increase in water meter size or result in a shift in the structure use from residential to commercial/industrial, applicant will submit an application to the department explaining the proposed change and will request a new capacity analysis. Once the new capacity is approved, applicant will pay the difference in connection fees between the two meter sizes at rate in effect at the time of application. The department may disapprove the application if the proposed change may result in downstream treatment or conveyance capacity exceedances. The department shall disapprove the application if applicant has not paid the difference in connection fees due between the new use or water meter size and the old. For specific situations not addressed above, the director will have the discretion to calculate connection fees on a case-by-case basis.

1. **Small Construction Activity Permits.** Except as provided in Section 13.20.030(D)(3), the applicant shall obtain a small construction activity permit, with an approved period of construction stated thereon, before commencing or contracting for the construction or installation of a new public manhole, or for tapping a public manhole or a public gravity sanitary sewer. Small construction activity permits are issued for a specified period of time based on the applicant's statement of when the connection construction activity will be accomplished. The permit shall provide the telephone number of the county agency responsible for the inspection of the small construction activities, and a copy of the permit shall be sent to the county agency responsible for such inspection. It is the applicant's responsibility to contact the inspecting agency to determine at what stage of construction the inspections are required. If the applicant fails to complete the work within the approved time on the initial permit, the permit shall expire and a renewal of the permit is required. The applicant shall obtain a first renewal of the permit at no cost. If the applicant fails to complete the work within the approved time on the first renewal permit, the first renewal permit shall expire and a second renewal of the permit is required at the applicant's additional cost as shown in the following table. Subsequent renewals are at the applicant's additional cost as indicated in the table.

a. A small construction activity permit is required for tapping public gravity sanitary sewer when the local jurisdiction that issues the building permit does not inspect the physical connection of the HCS to the public gravity sanitary sewer for the department.

b. Small construction activity permit fees.

<i>Construction Activity</i>	<i>First Construction Activity Permit</i>	<i>First Renewal Permit</i>	<i>Each Added Renewal Permit</i>
HCS tap or stubout into public sanitary sewer of 12-inch or less diameter	\$100.00	\$0.00	\$50.00
Large sanitary sewer tap requires special approval	\$150.00	\$0.00	\$75.00
Existing manhole tap	\$150.00	\$0.00	\$75.00
New manhole over existing sewer; no corrosion protection	\$200.00	\$0.00	\$100.00
New manhole over existing sewer; with corrosion	\$300.00	\$0.00	\$150.00

Payment of any small construction activity permit fee does not relieve the applicant from paying sewer connection fees pursuant to Section 13.20.045.

e. The small construction activity permit shall not be issued until the following requirements have been met:

- i. Approval of the construction concept by the department or its delegated representative. Consideration may be given to location, alignment, maintenance accessibility, necessity, capacity, conditions of hydraulic flow, mitigation of odors, points and methods of connection and other significant factors; and
- ii. Submission of evidence that all necessary easements, whether permanent or temporary, for the purposes of construction, have been approved and recorded.
- iii. Payment of the applicable small construction activity permit fee.

C. In lieu of payment of individual sewer connection fees, an area under development served by a private independent sanitary sewerage system may be connected at the discretion of the director upon payment of an appropriate system transfer fee.

D. Pima County-owned Facility. Where structures to be connected to the public sanitary sewerage system are on property that is owned or operated by Pima County or a Pima County special taxing district, the director may enter into a written agreement for the payment of connection fees. Interest shall be charged on an annualized basis at a rate comparable to the interest received on funds invested in the local government investment pool managed by the treasurer of the state of Arizona.

E. Temporary Connections. The director may authorize, in writing, issuance of a permit for a unit to be temporarily connected to a nearby sewer. All permits issued and installations made pursuant to this section shall be on a temporary basis only and shall be subject to the following terms and conditions:

1. An applicant for sewer service for a period not to exceed two years may be issued a temporary permit. The permit may not be renewed. The prevailing connection fee rate shall be charged the applicant for this permit. The connection fees paid may be credited against the sewer connection fees for a permanent connection replacing the temporary connection within the two-year period. If a permanent connection is not achieved within the two-year time period, the temporary connection permit shall expire, the physical connection shall be eliminated, and the connection fees shall not be returned.
2. An applicant for sewer service for a period not to exceed thirty calendar days may be issued a thirty-day temporary permit. The applicant may apply to the public services counter of the department at the City/County Public Works Center, 201 North Stone Avenue, for a thirty-day temporary sewer connection permit.
3. The cost of a thirty-day temporary permit is twenty-five dollars per twenty-four-hour day (or any part thereof) for the term of the temporary permit, plus either:
 - a. One hundred dollars per permit when the connection is to the public sanitary sewerage system at a public manhole or cleanout; or
 - b. Fifty dollars per permit when the connection is to a private building connection sewer draining to the public sanitary sewerage system.

F. ~~Determination of house connection sewer stubout location. After a property owner has applied and exhausted all means and methods to locate a building connection sewer by excavation techniques, then upon application to the department and upon payment of a nonrefundable two hundred fifty dollar stub out locating fee, the department shall apply closed circuit television techniques to determine the location of all house connection sewer stub-outs that might exist at the main line of the public sanitary sewage conveyance facility that could serve the property identified on the application. Should the application identify multiple adjacent and contiguous properties for which more than one house connection sewer stub-out is sought, the nonrefundable stub-out locating fee shall be increased by fifty dollars for each additional property over the first property to be served. Identification of the property to be served shall be by legal description (i.e., lot and block) and by street address for each property. If one or more stub-outs are located that would serve the property, the department shall mark the ground surface location of all stub-outs using marking paint, or some other appropriate means, and shall notify the applicant by first-class mail of the locations that were found. Neither the owners of the involved properties nor their contractors shall access the public sanitary sewage conveyance system for the purpose of determining the locations of house connection sewer stubouts.~~

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.

13.20.045 Connection fees.*(Connection Fee now called "Wastewater Utility Fee", see § 13.20.400)*

A. Connection Fee Rates. Except as otherwise provided in this section, persons connecting to the public sanitary sewer system shall pay the following connection fee:

1. Residential:

<u>Water Meter Size</u>	<u>Amount</u>
<u>5/8", 3/4", or 1"</u>	<u>\$4,188.00</u>

2. Commercial/Industrial/Multi-family:

<u>Water Meter Size</u>	<u>Amount</u>
<u>5/8" or 3/4"</u>	<u>\$4,188.00</u>

1"	\$8,734.00
1½"	\$27,841.00
2"	\$71,884.00
3"	\$167,385.00
4"	\$374,601.00

Connection fees for commercial/industrial dischargers with water meters greater than four inches in size will be calculated on a case-by-case basis using the following formula where "C" represents the cost of capacity factor of sixteen dollars and fifty cents per gallon to convey and treat wastewater, "G" represents the estimated number of gallons of wastewater produced during a peak flow day, and "I" represents a system inflow and infiltration rate factor of 1.175.

Connection fee in dollars = C x G x I

B. Connection fee discount; schedule of values for construction of sewer improvements.

1. The construction of a qualifying public sewer improvement shall, as provided in this subsection B, qualify the developer for a discount against the connection fee otherwise due per residential unit or per commercial/industrial/multi-family facility. Except as provided in this subsection B, the amount of the discount from each such eligible residential connection fee shall be one thousand one hundred dollars for the construction of a qualifying public sewer collection or conveyance improvement and two hundred fifty dollars for the construction of a qualifying public sewer treatment improvement. For residential projects, one dwelling unit will be granted connection fee discount status for each twenty-five feet of qualifying public sanitary sewer line installed by the developer. For commercial/industrial/multi-family projects, each project shall be granted cumulative connection fee discounts for each twenty-five feet of qualifying public sanitary sewer installed by the developer.

2. Once the aggregate connection fee discounts received for an area under development exceed the net construction cost of the qualifying public sewer conveyance improvement constructed by a developer of the area under development, no further connections within the area under development shall receive connection fee discounts based on the construction of that qualifying public sewer improvement. Notice of this event need not be provided to the developer. For purposes of this subsection B, net construction cost shall mean the difference between the actual construction cost paid by a developer and any credits granted for the construction pursuant to Section 13.20.050(A).

3. The department shall maintain a schedule of values for the construction of sewer improvements to the public sewerage system to be used in determining the cost of construction of qualifying public sewer improvements in connection with a parcel's eligibility for connection fee discounts. The department may update the schedule of values once per year or as directed to do so by the county administrator.

4. If the developer demonstrates, in a form and manner acceptable to the department, that the

schedule of values undervalues by twenty-five percent or more the aggregate cost of the constructed qualifying public sewer improvement, the determination of eligibility for a connection fee discount will be based on the actual construction cost.

5. Any lot qualifying for a "participating" connection fee rate under an executed agreement with the county shall qualify for a connection fee discount subject to the provisions of this subsection. Under these same agreements, the difference between what the developer has paid in "participating" connection fees versus what the connection fees would have been paid had the county assessed "non-participating" connection fees for all fixture units connected by the developer within the area under development shall be considered connection fee discounts for purposes of this subsection B.

C. Qualifying Public Sewer Improvement.

1. Only residential and commercial/industrial/multi-family facilities directly tributary to the qualifying public sewer improvements listed in this subsection that are being or have been constructed by the applicant or a previous developer of the property shall qualify for the connection fee discount. The connection fee discount status shall run with the property and may not be transferred to another property.

2. Property for which connection fee discount status is requested shall be clearly identified on the tentative plat, development plan and/or public sanitary sewage conveyance system facility construction plans when they are presented for review. The eligibility for a connection fee discount shall be confirmed in writing by the director or the director's designee. The connection fee discount may apply to:

- a. A portion, or portions, of the development (including portions of individual buildings); or
- b. Structures tributary to a segment of sewer; or
- c. An individual sewage drainage basin within the overall development; or
- d. The entire development.

3. The qualifying sanitary sewer shall have a minimum length of twenty-five feet as measured from the point of connection to the existing public sewerage system to the closest edge of the area under development for any dwelling units or commercial/industrial/multi-family projects to be granted the connection fee discount. For the purpose of computing sewer length for connection fee discount status, the length of the qualifying sewer over twenty-five feet in length may be rounded to the next appropriate multiple of twenty-five.

4. The types of public sewerage system improvements installed by the applicant or any previous developer that may qualify a property for the connection fee discount status are as follows:

- a. Off-site, down gradient, gravity flow public sanitary sewers that serve other properties in addition to the area under development; or
- b. A new fully accessible, public gravity flow sanitary sewer that replaces an existing inaccessible public sanitary sewer when the replacement is requested by the department and the sewer's inaccessibility is not the result of applicant's or any previous developer's or property owner's activities; or
- c. Augmentation of an existing down gradient, gravity flow public sanitary sewer of a size that provides sufficient capacity to serve the area under development. The augmentation sewer may also qualify for a credit or rebate pursuant to Section 13.20.050 if the augmentation is of a pipe size larger than that needed to serve the area under development.

d. Improvement in treatment capacity at the publicly owned treatment works serving the area under development or a portion of the area under development. The portion of the development qualifying for connection fee discount status shall be based on the design flows projected to be received from the area under development in relation to the amount of treatment capacity expansion provided.

5. The types of public sanitary sewers installed by the applicant or any previous developer that shall not qualify a property for the connection fee discount status are as follows:

- a. Off-site public gravity sewer lines installed by the developer which cannot be used by any properties down gradient from the property under development; or
- b. Off-site and on-site public sewers that do not serve the area under development that provide flowthrough from up gradient properties; or
- c. A public sanitary sewage pumping station and off-site force main.

6. For projects in which only a portion of the project is eligible for the connection fee discount, the connection fee discount status shall be given to the most down gradient dwelling units of the proposed development which are directly tributary to the qualifying public sanitary sewer.

D. Special Facilities. If the property necessitates the construction of special facilities, and the department approves the construction of special facilities, the applicant shall provide these special facilities at its own expense. The cost to the applicant to provide any special facilities shall be in addition to connection fees established for the property, and the cost to operate the special facilities may be subject to special operating fees in accordance with Section 13.24.035.

E. Model Unit Fees. The permit fee charged for a "model" permit, issued at the request of an applicant prior to the recording of a final plat, shall include an additional two hundred dollar fee to cover the administrative costs associated with tracking the final lot designation or a final approved assigned address or both. A model permit will only be issued on the condition that the applicant, in writing, accepts full responsibility if the public sewer to which the "model" is to be connected is not available for service when "model" construction is complete.

F. Prevailing Rate. The connection fee charged shall be calculated using the rate prevailing at the time of payment, except when the development services department has approved a sewer connection fee application within its computerized permitting system up to thirty days prior to the effective date of the new rate, and no changes have been made to the plans that change the number of fixture unit equivalents. In such situations, the older rate will be honored for a period not to exceed sixty days after the effective date of the new rate.

- 1. The connection right shall continue for the life of the structure, for the use originally permitted; however, if a conversion, meter replacement, or change of use occurs which results in a change in meter size or a shift in use from residential to commercial/industrial/non-residential, the difference in connection fees is due and immediately payable upon conversion or change of use. Conversions shall be reviewed for compliance with industrial waste ordinance requirements.

G. Prepaid Connection Fees. Prepaid connection fees are deducted from the prevailing rate fee calculation.

H. Connection Fee Surcharge. The board of supervisors may, by resolution, institute a connection fee surcharge for a specific area to recover the costs of required facilities in that area.

I. Payment of Connection Fees.

1. The connection fee payment is due at the time of issuance of a plumbing or building permit. Fees are first applied to any unpaid fees owed by the applicant to the department. The total fees due may be rounded to the nearest dollar.
2. If no building or plumbing permit is issued, the connection fee is due prior to physically connecting or being able to discharge to the system.
3. Connection fee payment is due immediately upon receipt of the department's notification to the property owner that a discovery reveals that the property improvements were connected to the public sanitary sewerage system without payment of connection fees.
4. Interest charges shall be added to any unpaid connection fee and calculated at the rate of ten percent per year on the unpaid connection fee balance compounded daily. If the unpaid connection fee and any interest charges are not paid by the property owner within ten working days from the date of a notice of delinquency, the director may add to the amount due any legal or collection costs incurred.

J. Connection Fee Refunds. Upon written application to the department, a connection fee may be refunded if the physical connection for which the fee was paid has not been made. Connection fee refunds shall not be processed for payment for sixty days following receipt of the application for the refund to give the department the opportunity to verify the facts associated with the original connection fee application and the refund application. An administrative fee of one hundred twenty-five dollars shall be assessed for each connection fee refund authorized. The director shall have the authority to waive the payment of a refund administrative fee or to direct early payment of a connection fee refund in situations involving a structural addition to or the remodeling of an existing owner-occupied single-family residence where, for reasons beyond the owner's control, the owner is not able to construct the addition to or start the remodeling of the residence.

K. Physical Connections. An applicant for public sewer service shall not make physical connection to the public sanitary sewerage system without prior written authorization from the county. In cases where the applicant is connecting to an existing public sanitary sewer, the connection permit issued upon payment of connection fees is deemed written authorization. In cases where the applicant is connecting to a new public sanitary sewer, written authorization is the connection permit issued upon payment of connection fees and notification to the applicant by the county that the county has received approval from Arizona Department of Environmental Quality to place the public sanitary sewer in service. An applicant who makes, or causes to be made, a physical connection to the public sanitary sewerage system without first obtaining written authorization from the county shall pay investigation and administration fees of two thousand five hundred dollars plus any additional costs to the department up to five thousand dollars in addition to the standard plan services and connection fees required by this chapter.

L. Connection Fee Payment Plan. As an alternative to payment in full of connection fees prior to the issuance of a building permit, applicant may enter into a connection fee payment agreement with Pima County. No building permit will be issued unless connection fees have been paid in full or unless applicant has entered into a payment plan with the county and conditions 1, 2, and 7, below, have been met. Such agreement will use a form approved by the director and will, at a minimum, include the following provisions:

1. Applicant must make, prior to issuance of the building permit, an initial payment of twenty-five

percent of the outstanding connection fee balance;

2. Property owner must agree to a lien on the property in the amount of the outstanding connection fees;

3. The payment period will not exceed twelve months;

4. Interest on the outstanding connection fee balance will be one percent higher than the prime rate published at the time of agreement;

5. Applicant and property owner are jointly and severally liable for any lien enforcement costs;

6. County may, as an alternative to lien enforcement, withdraw sewerage service and capacity allocation to the property; and

7. Applicant pays an administrative fee of five hundred dollars to cover the cost of drafting and administering the agreement.

M. Retroactive Applicability of Fee Changes.

1. The connection fee rates of subsection A, above, are retroactively effective to May 15, 2012.

2. The director will develop and implement procedures for refunding connection overpayments made by applicants made from May 15, 2012 through June 30, 2012.

3. Refund applications must be submitted no later than December 31, 2012.

4. Unless specifically extended by action of the board of supervisors, this subsection will cease to have effect on December 31, 2012.

N. Credit Program for Certain Connection Fee Payments.

1. The director will develop and implement procedures for issuing connection fee credits to applicants who paid connection fees during the period starting on January 1, 2012 and ending May 14, 2012.

2. The department is authorized to issue non-transferable credits to these applicants in an amount equal to fifty percent of the connection fee actually paid less the connection fee due under the current fee system.

$$\text{Credit} = 0.5 * (\text{Fee actually paid} - \text{Fee due under current system})$$

3. Connection fee credit applications must be submitted by eligible applicants no later than November 20, 2012 and no earlier than the date the department posts credit applications and procedures on the county web site.

4. Connection fee credits issued to residential applicants will be useable for twelve months following credit agreement approval.

5. Connection fee credits issued to commercial/industrial/multi-family applicants will be useable for eighteen months following credit agreement approval.

6. All credit agreements issued pursuant to this subsection must be approved by action of the board of supervisors.

7. Credits may be applied to connection fees paid from July 1, 2012 to the date of credit agreement approval. The applicant must submit a letter to the department requesting use of the credits in this period. Credits will be recovered in the form of a refund.

8. Connection fee credits issued pursuant to this subsection are not transferable once issued. If applicant was acting as an agent for a principal when paying connection fees, applicant may, when applying for connection fee credits under this subsection, designate said principal as proper recipient of the credits.

~~9. Unless specifically extended by action of the board of supervisors, this subsection will cease to have effect on December 31, 2012 provided, however, that connection fee credits issued under this subsection will, in accordance with an approved credit agreement, survive the termination of this subsection.~~

13.20.400 – Wastewater Utility Fee. *(formerly the “Connection Fee”, see former § 13.20.045)*

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.

~~13.20.050 Credits and rebates.~~ (moved to new § 13.20.250(C)(3) and revised)

~~A. Credits. The county may enter into a credit agreement with an applicant for sewer service for the additional construction costs incurred for the installation of either a public sanitary sewer facility of a size larger than would be required to collect or treat the waste from the area under development, or a facility in addition to the system required to serve the area under development. These additional costs are the difference in eligible construction and engineering costs between the base sewerage facility size required to serve the area under development and the sewerage facility size actually installed at the direction of the department; the department shall determine the base sewerage facility size for the area under development and the additional required sewerage facility size. The credits shall be applied as an offset to connection fees to be paid by the applicant. The credits shall not be in the form of a cash refund or rebate. The credits shall be usable for ten years from the execution of the agreement by the board of supervisors. The board may designate a longer usable life for the credits for good cause. The agreement shall specify either that the credits are granted to the applicant for use on any property owned by the applicant within Pima County, except as otherwise specified or limited in the credit agreement, or that the credits are usable only within the area under development and are assignable to future owners. The credits awarded for such over-sizing shall not exceed the total connection fees to be collected from the area under development as set forth in Section 13.20.040.~~

~~B. Rebates for Collection or Conveyance System Improvements. In the event an applicant installs a public gravity sanitary sewer collection or conveyance system improvement which provides at least fifty-~~

~~one percent residual capacity for property other than the area under development, an agreement for refund of the cost of the residual capacity may be made with the applicant. The refund shall be made until the full sum has been paid, or for a maximum of ten years from the date of the refund agreement, whichever shall first occur. The full sum paid shall not exceed the cost of the residual capacity less any connection fee discounts granted to the applicant pursuant to Section 13.20.045(B) for the construction of the residual capacity. In the event the full sum due the applicant has not been refunded within the ten-year period, any balance remaining shall be considered canceled and the county shall be fully discharged from any further obligation under the rebate agreement.~~

~~C. Rebates for Treatment Facility Improvements. In the event an applicant installs a public treatment facility improvement, an agreement for refund of the cost of the facility may be made with the applicant. The refund shall be made until the full sum has been paid or for a maximum of fifteen years from the date of the refund agreement, whichever shall first occur. In the event the full sum due the applicant has not been refunded within the fifteen-year period, any balance remaining shall be considered canceled and the county shall be fully discharged from any further obligation under the rebate agreement.~~

~~13.20.070 Repair and replacement of house connection sewers (moved to 13.20.350(C))~~

~~A. The owner of residential property owns and shall be responsible for the cleanout, repair, and replacement of the house connection sewer serving said property.~~

~~B. In the event that the house connection sewer has been damaged, the owner may request that the department repair the damaged portion of the house connection sewer located within the public right-of-way.~~

~~C. The department shall repair or replace that portion of the damaged house connection sewer located within the public right-of-way provided:~~

~~1. Department funds are available for the repair or replacement; and~~

~~2. The damage to the House Connection Sewer was not caused by the Owner or his agents.~~

~~D. For purposes of this section, a "damaged" House Connection Sewer means that portion of the House Connection Sewer that has been structurally deformed, offset, cracked or broken.~~

~~E. Disputes as to location, extent of damage or the method of repair or replacement of the damaged House Connection Sewer shall be resolved at the sole discretion of the Director.~~

~~F. Funds available for repair or replacement of damaged House Connection Sewers shall be limited to those funds specifically approved for such purposes by the Board of Supervisors each year in the approved Operations and Maintenance budget. However, for Fiscal Year (FY) 2007/08, the approved amount shall be \$75,000.~~

~~G. County's repair or replacement of any portion of a House Connection Sewer pursuant to this Section shall not change the ownership of said sewer.~~

~~H. The Department shall not be responsible for damages caused to homeowner and third party property resulting from County's failure to perform or to timely perform repair or replacement of building connection piping.~~

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. (moved from former § 13.20.030(D)(3))

"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. (moved from former § 13.20.040(B)(1))

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. (moved from former § 13.20.045(A))

A. Wastewater Utility Fee Discount. – See §13.20.250

A)

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

B. Wastewater Utility Fee. – See §13.20.400

<u>Residential Wastewater Utility Fee</u>	
<u>Water Meter Size</u>	<u>Fee per Water Connection</u>
<u>5/8", ¾", or 1"</u>	<u>\$4,188</u>

<u>Commercial/Industrial/Multi-family Wastewater Utility Fee</u>	
<u>Water Meter Size</u>	<u>Fee per Water Connection</u>
<u>5/8" or ¾ inch</u>	<u>\$4,188</u>
<u>1 inch</u>	<u>\$8,734</u>
<u>1 ½ inch</u>	<u>\$27,841</u>
<u>2 inch</u>	<u>\$71,884</u>
<u>3 inch</u>	<u>\$167,385</u>
<u>4 inch</u>	<u>\$374,601</u>
<u>Greater than 4-inches</u>	<u>Case by Case Basis</u>

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 _____ day of _____ 20__.

PIMA COUNTY BOARD OF SUPERVISORS:

Chairman

ATTEST:

Clerk of the Board

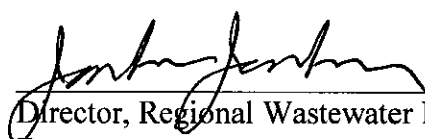
Dated: _____

APPROVED AS TO FORM:



Deputy County Attorney

APPROVED AS TO CONTENT:



Director, Regional Wastewater Reclamation
Department