

RULES & REGULATIONS

**ADOPTED BY RESOLUTION NO. 423
MARCH 14, 1991
AND AS AMENDED**

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RESOLUTION NO. 423

A RESOLUTION OF GREEN VALLEY WATER, GILA COUNTY, ARIZONA, ADOPTING A SANITARY DISTRICT CODE: PRESCRIBING THE RULES AND REGULATIONS FOR THE OPERATION OF THE DISTRICT; PROVIDING SEWER USE REGULATIONS; RELATING TO THE SEWER RATES TO BE CHARGED TO RESIDENTIAL, COMMERCIAL AND MISCELLANEOUS USERS; RELATING TO THE ISSUING AND PAYMENT OF BILLS AND DELINQUENCIES; PROVIDING FOR THE REGULATION OF PRIVATE SEWERS AND SEPTIC TANKS, PRIVIES AND OTHER DISPOSAL METHODS AND DEVICES; PROVIDING FOR THE METHOD AND REQUIREMENTS OF CONNECTING TO PUBLIC SEWER LINES; PROVIDING FOR THE OPERATION AND MAINTENANCE OF A PUBLIC SEWER DISPOSAL SYSTEM; PROVIDING FOR ENFORCEMENT PROCEDURES; AND PRESCRIBING PENALTIES.

WHEREAS, the Board of Directors of Green Valley Water has determined that it is in the best interest of the citizens and landowners of GREEN VALLEY WATER that the rules and regulations of the District be maintained in a single code; and

WHEREAS, since the last adoption of a Code for the District there have been changes in the rules and regulations of the District which have changed the previously adopted Code; and

WHEREAS, it is the intention of the Board to adopt a single code which shall be maintained and periodically updated to reflect the current rules and regulations of the District without the necessity of readopting the entire Code.

THEREFORE, BE IT RESOLVED AND ENACTED by Green Valley Water (hereafter "District") of Gila County, Arizona as follows:

ARTICLE I. GENERAL PROVISIONS

SECTION 1.01: TITLE

This Code may be cited as the Green Valley Water Code.

SECTION 1.02: ENABLING STATUTES

This code is adopted pursuant to Articles One and Two, Chapter 14, Title 48, Arizona Revised Statutes, as amended.

SECTION 1.03: POWERS AND DUTIES

It shall be the duty of the Green Valley Water Board of Directors to control and manage all matters pertaining to the Sewage Disposal System of Green Valley Water in conformity with all applicable federal, state, county, and local laws and regulations, this Code, and other Resolutions of Green Valley Water, Gila County, Arizona. The Board shall have general

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supervision over the District's sewer system, all real and personal property connected therewith, and the employees thereof.

Section 1.04: DISTRICT MANAGER

- A. There is hereby established the position of District Manager of the System who shall also be known as the District Manager who shall be employed by the Board. No person shall be employed or discharged as District Manager without the approval of the majority of the Board.
- B. The District Manager shall have the power to employ and discharge any and all employees necessary for the proper operation and maintenance of the systems and shall fix the compensation of such employees providing this is consistent with the District Personnel Rules and Regulations as adopted or amended by the Board. No person shall be employed or discharged for political or partisan reasons.
- C. All personnel shall be governed by Job Descriptions as prepared by the District Manager.
- D. The District Manager shall have the power to make any and all emergency repairs necessary for the proper operation and maintenance of the existing District systems. No expenditure on the system which exceeds a cost of \$5,000.00 shall be authorized by the District Manager without prior approval of the Board. When any additions or extensions to the system are deemed to be of a nature warranting the employment of an engineer, then the drawings, plans, specifications and estimates therefore shall be prepared by or under the personal direction of an engineer registered with the Arizona Board of Technical Registration.
- E. The District Manager shall, from time to time, recommend to the Board rules and regulations governing the maintenance and operation of the System. It shall be the duty of the Board to act upon such recommendations within a reasonable time. Upon approval, said rules and regulations shall be in effect.
- F. It shall be the duty of the District Manager to prepare and submit to the Board not less than sixty (60) days before the final date for submission of the Board's annual Budget, the recommendations of the District Manager concerning the proposed operation and maintenance of the District sewer system, and proposed expenditures, either capital or otherwise, and such other proposals which in the opinion of the District Manager, would bear upon the proposed Annual Budget and proper maintenance and operation of the System.
- G. The District Manager shall submit to the Board a monthly report of the operation of the System.
- H. The District Manager shall prepare for the Board prior to the regular monthly report of expenditures and receipts of the system. A copy thereof shall be furnished to the members of Board, and the original thereof shall be filed on the District office.

ARTICLE II. DEFINITIONS

The following terms shall have the meanings as set forth hereafter unless the context in which they are used dictates otherwise. All other words shall have their ordinary and common meanings.

- 2.00: **AAC** - Denotes the Arizona Administrative Code
- 2.01: **ACRE** - 43,560 square feet of land, excluding easements of rights-of-way.
- 2.02: **APPLICANT FOR DEVELOPMENT** - An applicant for sewer service to an area under development for commercial, industrial, residential or other uses.
- 2.03: **APPLICANT FOR SERVICE** - An applicant for sewer service for commercial, individual, family or personal or otherwise.
- 2.04: **APPROVED LABORATORY PROCEDURES** - The measurements, tests and analyses of the characteristics of water and wastes in accordance with analytical procedures determined acceptable by Federal Guidelines as established in Title 40, Code of Federal Regulations, Part 136, or as approved by the Regional Administrator, U.S. Environmental Protection Agency.
- 2.05: **AREA UNDER DEVELOPMENT** - An area in which sanitary sewer improvements are being constructed, including but not limited to, single-family and multiple-family residential subdivisions, mobile home subdivisions and parks, Improvement Districts, and plats or development plans with the intent of developing land for residential, commercial, or industrial use. The terms include all development in which "on-site" sewage improvements have been provided by the applicant, by an Improvement District, or by contract.
- 2.06: **A.R.S.** - Denotes the Arizona Revised Statutes.
- 2.07: **AVERAGE QUALITY** - The arithmetic average (weighted by flow value) of all the "daily determinations of concentration," as that term is defined herein, made a calendar month.
- 2.08: **BOD (BIOCHEMICAL OXYGEN DEMAND)** - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade, reported in mg/L, as described in the "Standard Methods," as defined herein.
- 2.09: **BOARD** - Shall mean the Board of Directors of Green Valley Water.
- 2.10: **BUILDING SEWER OR HOUSE SEWER** - Shall mean the sewer line from the building drain to the sewer tap.
- 2.11: **CHAIRMAN** - Shall mean the Chairman of the Board of Directors, Green Valley Water, Gila County, Arizona.
- 2.12: **COD (CHEMICAL OXYGEN DEMAND)** - The quantity of oxygen consumed from a chemical oxidation of inorganic and organic matter present in the water or wastewater, expressed in mg/L, as described in the "Standard Methods," as defined herein
- 2.13: **CODE** - Shall mean this document.

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- 2.14: **COOLING WATER** - The clean wastewater discharged from any heat transfer system such as condensation, air conditioning, cooling, or refrigeration.
- 2.15: **DAILY COMPOSITE SAMPLE** - A sample of effluent continuously collected over a normal operating day.
- 2.16: **DAILY COMPOSITE SAMPLE QUALITY** - The concentration of some parameter tested in a "daily composite sample," as that term is defined herein, and reported proportional to flow.
- 2.17: **DAILY DETERMINATION OF CONCENTRATION** - For composite samples, "daily determination of concentration" shall be the same as "daily composite sample quality," as that term is defined herein. For grab samples, the "daily determination of concentration" shall be the arithmetic average (weighted by flow value) of all "grab sample qualities," as that term is defined herein, determined for any calendar day.
- 2.18: **DISCHARGE** - The disposal of sewage, water or any liquid from any sewer user into the sewage system.
- 2.19: **DISTRICT** - Shall mean Green Valley Water, Gila County, Arizona.
- 2.20: **DISTRICT MANAGER** - The administrator or District Manager of Green Valley Water, Gila County, Arizona.
- 2.21: **DOMESTIC WASTE** - A typical, residential-type waste which requires no pretreatment under the provisions of this article before being discharged into the sanitary sewer system, excluding all commercial, manufacturing and industrial waste.
- 2.22: **ESTABLISHMENT, PLANT** - Any establishment or plant producing liquid waste, with or without suspended solids, required to be discharged into the sewer system.
- 2.23: **GARBAGE** - Domestic waste, may also be known as municipal solid waste.
- 2.24: **GRAB SAMPLE** - An individual sample of effluent collected in less than fifteen (15) minutes.
- 2.25: **GRAB SAMPLE QUALITY** - The concentration of some parameter tested in a "grab sample," as that term is defined herein.
- 2.26: **GUEST QUARTERS** - A dwelling unit that is (1) self-sustaining and an enclosed structure, and (2) physically separate, detached and independent from the existing structures on the parcel and located outside of that structure's existing building footprint.
- 2.27: **HOUSE SEWER** - See Building Sewer.
- 2.28: **IMPROVEMENT DISTRICT** - A district formed under the provisions of Article 2, Chapter 14, Title 48, Arizona Revised Statutes.
- 2.29: **INDUSTRIAL USER** - Any non-governmental user of the sewage system identified in the Standard Industrial Classification Manual, 1972 edition, classified in Division A, B, D, E, or I.
- 2.30: **INDUSTRIAL WASTE** - Any liquid, free-flowing waste, including cooling water, resulting from any industrial or manufacturing process or from the development, recovery or processing of natural resources, with or without suspended solids; or, the liquid, gaseous or solid wastes resulting from any industrial operation.

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- 2.31: **LOT or PARCEL** - Refers to any parcel of land existent by virtue of a division from a larger piece or parcel of land, including a unit of a horizontal property regime as the same is defined by the Statutes of the State of Arizona.
- 2.32: **MAIN LINE** - The piping system or any part thereof located in the public right of way or an easement which collects wastewater from one or more service lines and is owned or maintained by the District; Public sewer.
- 2.33: **MAINTENANCE** - Keeping the sewer system in a state of repair, including expenditures necessary to maintain the capacity (capability) for which said works were designed and constructed.
- 2.34: **MAJOR CONTRIBUTOR** - Any wastewater contributor identified in the Standard Industrial Classification Manual (SIC) in any on Divisions A, B, D, E, and I that: (1) has a discharge flow of 50,000 gallons or more per average work day (if seasonal, the average shall be computed on the period of use), or (2) has a flow or pollutant loading greater than five percent (5%) of the design capacity of the treatment works, or (3) has in its waste's toxic pollutants on toxic amounts as defined in the standards issued under Section 307 (a) of the Federal Water Pollution Control Act Amendments of 1972, or (4) is found by the District Manager to have significant impact, either singly or in combination with other contributing industries, on the treatment works or upon the quality of effluent from the treatment works.
- 2.35: **MULTI-FAMILY RESIDENCE** - Shall mean a residential complex under single or corporate ownership, designed for use by more than one family unit.
- 2.36: **NATURAL OUTLET** - Shall mean any outlet into a watercourse, ditch or other body of surface or ground water.
- 2.37: **OFF-SITE SEWAGE IMPROVEMENTS** - All sewer construction and facilities necessary to connect "on-site" facilities to an existing system as required by the District Manager and approved by the Board of Directors.
- 2.38: **ON-SITE SEWAGE IMPROVEMENTS** - All sewer construction and facilities within any plan, improvement plan, development plan or other development, excluding capacities in excess of what is necessary to provide sewer service to that development as may be required by the District.
- 2.39: **OWN, OWNER, OWNED** - Any forms of these words shall mean both legal and equitable ownership in any degree and specifically includes the right to release any lot or parcel from the lien of mortgage, trust, indenture, or other similar device designed to permit the release of individual lots or parcels upon partial payment. Property owned by immediate members of the same family shall be deemed to be in common ownership.
- 2.40: **PERMITTEE, PERMIT HOLDER** - Any person, firm, association, corporation or trust which owns, operates, processes or controls an establishment or plant being operated under a valid industrial waste permit to discharge waste into the District sewer system.
- 2.41: **PERSON** - Any political or governmental agency, cooperative, institution, corporation, company, firm, a partnership, or individual person.

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- 2.42: **pH** - Shall mean the logarithm of the reciprocal of the weight of hydrogen ions in the grams per liter of solution.
- 2.43: **PLUMBING CODE or UNIFORM PLUMBING CODE** - Shall mean the Uniform Plumbing Code by the International Association of Plumbing and Mechanical Officials, most current edition.
- 2.44: **PRIVATE SEWAGE DISPOSAL SYSTEM** - Shall mean septic tank, cesspool, individual wastewater treatment plant, or any other means of sewage disposal contained fully within the boundaries of the property or not connected to the District's Sewer System.
- 2.45: **PRODUCER** - Any person, firm, association, corporation or trust which owns, operates, possesses or controls an establishment or plant, whether or not a permittee.
- 2.46: **PROPER DISTRICT AUTHORITY** - Means the District Manager, or one charged with the responsibility of carrying out the objectives of the District as outlined by the Board.
- 2.47: **PROPERLY SHREDDED GARBAGE** - Shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-fourth of an inch in any dimension.
- 2.48: **PUBLIC PROPERTY** - Shall mean property owned by the United States of America, the State of Arizona, any unit of local government, or any agency, a department branch, political subdivision, or governmental unit thereof.
- 2.49: **PUBLIC SEWER** - Shall mean a sewer controlled by the public authority.
- 2.50: **PUBLIC SEWER UTILITIES SYSTEM** - Shall mean a publicly-owned and operated sewer system.
- 2.51: **REPLACEMENT** - Those expenditures made for obtaining and installing equipment, accessories and/or appurtenances during the useful life of the treatment works which are necessary to maintain the capacity and performance of the treatment works for which they were designed and constructed.
- 2.52: **RESIDENTIAL** - An area under development normally for residence by family units.
- 2.53: **SANITARY SEWER** - Shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- 2.54: **SERVICE LINE** - The sewer line which pipes wastewater from a building drain to a sewer tap connected to the main line; Building sewer.
- 2.55: **SEWAGE OR WASTEWATER** - The used water and water-carried solids from a community that flow through the sewer collection system to a treatment plant.
- 2.56: **SEWAGE SYSTEM** - Pipelines or conduits, pumping stations, force mains, and all other devices, appurtenances, and facilities used for collection and conducting sewage to a point of treatment and/or disposal.
- 2.57: **SEWER TAP** - Shall mean the connection to or saddle tap installed at the collecting sewer or sewer main.
- 2.58: **SHALL** - Means mandatory.

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- 2.59: **STANDARD INDUSTRIAL CLASSIFICATION (SIC)** - A coded classification of industries based upon economic activity developed by the U.S. Department of Commerce as published in the current Standard Industrial Classification Manual published by the U.S. Government Printing Office.
- 2.60: **STANDARD METHODS** - The procedure as described in the most current edition of Standard Methods for the Examination of Water and Wastewater published by the American Health Association, or the most current edition of Manual of Methods for Chemical Analysis of Water and Wastes, published by the U.S. Environmental Protection Agency.
- 2.61: **SUBDIVISION** - A tract of land divided into four (4) or more parcels, or interests.
- 2.62: **SUSPENDED SOLIDS (SS)** - Solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater or other liquids and which are largely removable by a laboratory filtration device, as defined in the "Standard Methods", as defined herein.
- 2.63: **SURCHARGE** - Is when the sewer is flowing beyond pipe capacity.
- 2.64: **SYSTEM** - The entire sewage collection, treatment, effluent and reuse, facilities of the District.
- 2.65: **SYSTEM DESIGN CAPACITY** - The design capacity for normal Domestic Wastewater as established by accepted engineering standards.
- 2.66: **TAP** - The physical connection of the service line to the main line (i.e. tapping saddle).
- 2.67: **TOTAL ORGANIC CARBON (TOC)** - The total of all organic compounds expressed in milligrams per liter as determined by the combustion infrared method prescribed by approved laboratory procedures.
- 2.68: **TREATMENT PARAMETER** - A fundamental characteristic of sewage around which treatment is designed, such as, but not limited to, flow, BOD, suspended solids and phosphorus.
- 2.69: **UNAVAILABLE PUBLIC SEWER** - Shall mean the applicable building or zoning restrictions, elevations, distances, or other related causes which would make the connection of the house sewer or building sewer to the District sewer an unreasonable burden or hardship upon the property to be served and/or upon the District.
- 2.70: **USER** - Any person, lot, parcel of land, building, premises, Municipal Corporation or other political subdivision that discharges, causes or permits the discharge of wastewater into the District sewerage system.
- 2.71: **WASTE TREATMENT WORKS** - Any plant, disposal field, lagoon, pumping station, incinerator, or other works used to treat or stabilize sewage.
- 2.72: **WATERCOURSE** - Shall mean a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.
- 2.73: **WATERS OF GREEN VALLEY WATER** - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or

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artificial, public or private, which are contained within, that flow through or border upon the Northern Gila County (Payson) Sanitary District.

ARTICLE III. GENERAL CONDITIONS; PUBLIC SEWER: CONNECTIONS, CONSTRUCTION REQUIREMENTS AND PROHIBITED ACTS.

SECTION 3.01: COMPULSORY CONNECTION; ABATEMENT OF USE OF PRIVATE FACILITIES.

- A. All private sewerage systems and facilities, except as provided in Article 5 of this Code, must be connected to and discharged into the public sewer by January 1, 1978, or be abandoned as provided in this section. It shall be unlawful for any person to connect a private sewer line or lines to any portion of the District Sewer System unless said person has first made proper application for a permit to connect to said Sewer System, has paid all fees required by the District to accompany said application, and said application has been approved by the Proper District Authorities.

All connections to the District sewer shall be made pursuant to this Code and any rules, regulations or resolutions pertaining to the payment of applicable fees. Further, all connections shall be made in compliance with the Standard Specifications adopted by the District and the current edition of the Uniform Plumbing Code, and be subject to inspection and approved by the District, its agents or assignees, at the time of connection.

A sewer connection shall be deemed to have occurred when a lateral from the sewer located within the sewer right-of-way is continuous from the sewer to any point within the vertical plane of any boundary of the property.

- B. Any private sewerage system or facility which is not connected to and does not discharge into the public sewer, as provided in this section, shall be abandoned as follows:
1. All cesspools and septic tanks shall be pumped or drained and filled with suitable material to prevent any unreasonable danger or risk to the health, safety or welfare of persons or the public.
 2. All openings in septic tanks shall be properly sealed to prevent any unreasonable danger or risk to the health, safety or welfare of persons or the public.
 3. Any other unauthorized private sewerage system or facility shall be abandoned in an appropriate manner to prevent any unreasonable danger or risk to the health, safety or welfare of persons or the public.
 4. In all cases, such abandonment must be in compliance with this Code and with all applicable rules and regulations of the Arizona Department of Environmental Quality and the Gila County Health Department.

SECTION 3.02: CONNECTION TO DISTRICT SEWER

- A. All sewage collection facilities and all other sanitary improvements within the District must be connected to the District Sewer System within three hundred sixty-five (365) days of the date the District Sewer System becomes available. The District

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Sewer system is deemed available when a sewer line, which is capable of operation and use, and which has been accepted by the District, is installed or exists within 500 feet of any boundary of a parcel of property upon which sanitary facilities or improvements are located providing that property is within the territorial boundaries of Green Valley Water.

- B. A sewer permit from the District shall be obtained before any person shall install or make a connection from a building sewer or house sewer to the District sewer.
 - 1. A second permit along with applicable fees will be required for the construction of "Guest Quarters" as that term is defined in Section 2.26 of this Code.
- C. Every installation of the connection from a building sewer or house sewer to the District sewer shall be inspected and approved by the District before the construction is backfilled or the sewer is used.

SECTION 3.03: CONNECTION PERMITS AND REQUIREMENTS

1. CONNECTION PROCEDURE

- A. All persons required to or desiring to connect the improvements located upon real property within the District to the sewer system of the District may do so by making application in the name of the owner of the real property to the District upon such form as provided by the District and upon payment of all applicable fees. Said fees will be in such amounts as annually approved by the Board of Directors of the District.
- B. All permits for connections to the sewer shall be subject to the following general conditions:
 - 1. **Adequacy of Design.** The responsibility and liability for the adequacy of the design of or the materials used in the service lines shall rest solely with the permittee and the issuing of a permit shall not relieve the permittee of such responsibility. The issuance of a permit shall in no way be construed as approval of the concept, design or proposed or completed construction of the proposed facilities and shall not absolve the permittee, or design engineer, if any, of their respective responsibilities nor shall the issuing of a permit be construed to confer any liability upon the District.

It shall be the sole responsibility and liability of the permittee and the successors of the permittee and/or the owner whom the permittee represents to construct the permittee's service line and to connect to the District's sewer system in such a manner as to make the use of the District's facilities compatible with the permittee's facilities.

In the event that the concept, design, or construction of the proposed facilities for which a permit was obtained fails at any time to conform with the then existing provisions of this Code, other Rules and Regulations of the District or for any reason demonstrates its inadequacy for its purpose or incompatibility with the sewer collection

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system of the District, in the sole discretion of the District, the District may:

1. Recommend a correction to the permittee or owner;
 2. Demand a correction is made by the permittee or owner;
 3. Invoke the remedies set forth in Section 3.03 (B) (21) of this Code;
 4. Take any other appropriate action; or
 5. Do any one or more of the above.
2. **Joint Construction and Operation Permits.** Unless otherwise stated by special conditions, the issuance of this permit shall be a joint construction and operation permit provided that the permittee complies with all general, standard and special construction requirements and conditions of the District.
 3. **Advance Notice.** Prior to commencement of construction under this permit, the permittee shall give the District an advance notice of at least two (2) working days. When advance notice is given, the permittee shall provide the permit number.
 4. **Compliance with Plans and Specifications.** All construction shall be in accordance with the plans and specifications of the District and the Uniform Plumbing Code. No changes in, or deviation from the plans and specifications which affect capacity, maintenance, design requirements, service area or permit requirements shall be permitted unless revised plans shall have been submitted to, and approved by the District.

The permit together with a set of the plans and specifications, if any (or revised plans and specifications, if any) shall be kept on the job site at all times during construction until final inspection and approval by the District.
 5. **Construction Inspection.** All sewer construction shall be inspected and approved by the District. No sewer trenches shall be backfilled except as authorized by the District after having been inspected and approved and the sewer installed.
 6. **Testing and Approval.** All construction under this permit shall be subject to inspection, testing and approval by the District. Upon satisfactory completion of construction, the permittee and the owner shall submit, or cause to be submitted, a request for approval on the form prescribed by the District. No sewer or other facilities shall be put in service until all the conditions of the permit have been satisfactorily met.
 7. **Indemnification.** The permittee shall be solely responsible for and shall defend, indemnify and save harmless the District from and against any and all claims, costs, damages, or expenses the District may suffer, incur, sustain or become liable for on account of any injury to, or death

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of, any person or persons, or any damage to, or destruction of, any real or personal property that may be caused by the construction, use, state of repair, operation and maintenance of the proposed facilities, arising out of or in consequence of the issuance of this permit.

Without limiting the generality of the preceding sentence, the provisions of this paragraph shall extend to indemnify and save harmless the District from any claims or damages arising out of or in connection with the termination or revocation of this permit.

8. **Third Parties.** This permit does not grant the right or authority to the permittee: (a) to construct or encroach upon any lands of the District or of any other parties, (b) to construct outside of the territorial boundaries of the District, or (c) to construct or encroach upon the territorial boundaries of any units of local government within the District.
9. **Nontransferable.** This permit may not be assigned or transferred without the written consent of the District.
10. **Expiration.** This permit shall expire if construction has not started within three hundred sixty-five (365) days from the date of issue. Construction under an expired permit is deemed construction without permit. All construction under this permit shall be completed within three hundred sixty-five (365) days after the start of construction. If conditions so warrant, an extension may be granted.
11. **Revocation.** In issuing this permit, the District has relied upon the statements and representations made by the permittee or his agent. Any incorrect statements or representations shall be cause for revocation of this permit, and all the rights of the permittee hereunder shall immediately become null and void.
12. **Allowable Discharges.** Discharges into the sanitary sewer system constructed under this permit shall consist of sanitary sewage only. Unless otherwise stated by the special permit conditions, there shall be no discharge of industrial wastes under the permit. Storm run-off or rain waters shall not be permitted to enter the sanitary sewer system.
13. **Maintenance.** The property owner is responsible for the condition, maintenance, design, construction, repair and function of the Service Line. The Service Line begins at the saddle tap on the main and extends to the structure.

A Service Line shall be maintained and operated in strict accordance with District Codes, rule and specifications as the same may exist from time to time, and shall be modified from time to time to conform to such Codes, rules and regulations as they are modified from time to time.

Repair work to a Service Line shall be in strict accordance with District Codes, rules and specifications as they exist at the time of repair. Before repairs are made to a service line, application for a Permit must

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be made to the District by the owner or contractor. Repairs to service lines must be inspected and approved by District personnel prior to the trench being backfilled.

The District is responsible for the condition, maintenance and repair of Main Lines, manholes and other public facilities.

District personnel are the only authorized persons to install sewer taps onto the Main Line and to remove manhole covers within the collection system, except for tap installation permitted by the District during development construction.

14. **Interceptors Overloading.** The District serves notice that its interceptors may flow full and may surcharge, and flooding of the proposed system may occur. The permittee is put on notice that the proposed systems shall be constructed, operated and maintained at the sole risk of the permittee.
15. **Change of Use.** This permit shall be incorporated in the building and occupancy permit for the building or buildings served under this permit.

The owner or occupant of any building served under this permit shall not cause, or permit, a change, expansion or enlargement of the use of the building to a use other than, or larger than, that indicated in this permit without first having obtained written permission from the District.
16. **Other Construction.** The District reserves the right, privilege and authority to permit others to reconstruct, change, alter and replace all sewers and appurtenances thereto at the point of connection of any sewage system to a District interceptor or in public rights-of-way or District easements, and to introduce additional sewage flow through this connection into the intercepting sewer of said District.
17. **Costs.** It is expressly stipulated and clearly understood that the sewerage system or facilities for which the permit is issued shall be constructed, operated and maintained at no cost to the District.
18. **Agreement.** The permittee, in consideration of the District providing sewer service, agrees to timely pay all applicable fees.
19. **Compliance with Rules and Regulations.** The permittee is responsible for meeting the requirements of all applicable rules, regulations, ordinances and laws of local, state and federal authorities. Issuance of this permit shall not constitute a waiver of any applicable requirements.
20. **Collections of Fees.** In the event the permittee fails to make such payment when due, the permittee agrees that the District may record a lien against the interest of the permittee in the property or improvements of the permittee affected by this permit and that said lien may be foreclosed in the same manner as a mechanic's or material man's lien. For purposes of this permit, and any actions taken there

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under, the permittee hereby waives any claim of homestead or other exemption now or hereafter granted by law. Further the permittee agrees to pay all recording fees incurred by the District.

21. **Termination of Permit.** It is understood and agreed that except for nonpayment, in the event the permittee, owner or any of their successors shall default in or fail to perform and carry out any of the covenants, conditions, and provisions of the permit issued pursuant to this Code, or of this Code as it is amended from time to time, and such default or violation shall continue for sixty (60) days, that the District may declare the permit terminated.

The permittee and the owner represented by the permittee and their respective successors agree, acknowledge and are put on notice that immediately upon receipt of written notice of such termination they will stop all operations, discontinue any discharges and disconnect the sewage system or facilities constructed under the permit. If the permittee, owner or their successor(s) fails to do so, the District shall have the right to disconnect said system. The permittee, owner and their successors agree to and shall be liable to pay for any costs incurred by the District for said disconnections.

The various rights and remedies of the District contained in the permit shall be construed as cumulative, and no one of them shall be construed as exclusive if any one or more of the others or exclusive of any other rights or remedies allowed by applicable rules, regulations, ordinances and laws.

An election by the District to enforce any one or more of its rights or remedies shall not be construed as a waiver of the rights of the District to pursue any other rights or remedies provided under the terms and provisions of the permit, this Code, or applicable rules, regulations, resolutions, ordinances or laws.

SECTION 3.04: CONSTRUCTION REQUIREMENTS

A. **Separate Connections**

1. A separate sewer connection to the District main sewer line in the street, alley or right-of-way shall be installed for each residential or business property, except as hereinafter provided.

A residential or business property is defined as a single parcel or piece of property under separate ownership using a sewer for business or residential purpose and multiple business or residential units designed and constructed as to indicate a probability that such multiple business or residential units will not be divided into several ownerships.

2. A common sewer connection for several business or residential units within one structure shall be permitted under the following circumstances:
 - a. The units are to be owned in condominium interests; and

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- b. Plans for the sewer connections are reviewed and approved by the District before construction; and
- c. Before the plans for the sewer connections are approved, the owner makes a written agreement with the District that if a stoppage occurs in the common sewer at any time the owner will immediately correct and repair the sewer stoppage at his own cost and the owner forever saves and holds harmless the District from any and all claims, demands and liabilities proximately occurring from the construction of the common sewer connection.

B. Uniform Plumbing Code Requirements

All sewer service lines and facilities shall be constructed and installed in accordance with the then most recent version of the Uniform Plumbing Code, and any requirements imposed by the District.

All sewer service lines and facilities shall be maintained by the owner thereof in accordance with the then most recent version of the Uniform Plumbing Code and any special requirements imposed from time to time by the District. Nothing herein shall impose upon the District any duty of imposing requirements upon the construction or maintenance of sewer service lines or facilities on private property, but the District may do so in its sole discretion from time to time.

C. Interceptors and Manholes

Where a grease, oil or sand interceptor or manhole which is found to be necessary and is required to be installed, the interceptor or manhole shall be of a type and capacity approved by the Uniform Plumbing Code adopted by the Board and any amendments thereto. Maintenance of such devices is the property owner's responsibility. The frequency of maintenance shall be such to keep the device functioning and in good repair at all times.

D. Construction Requirements and Blue Stake Compliance

1. All sewer systems and sewer development plans prepared for District review and approval will be designated using U.S.G.S. base datum. All plans must indicate the datum source.
2. All sewer system and sewer development plans prepared for District review and approval shall indicate that all end runs of sewer main will terminate with a cleanout manhole. The District previously allowed cleanouts as specified in MAG Standard Detail #441. This detail is no longer considered acceptable. All end runs of pipe will follow the District's Standard Detail for Cleanout Manholes. These manholes will be tested by the approved procedure prior to acceptance by the District.
3. All subdivisions, as defined by the Town of Payson, currently 4 lots or more, and all properties east of Mud Springs Road, will be studied on the District Sewer Model to determine their impact on the system as a whole, prior to acceptance by Green Valley Water. The cost associated with the study will be paid by the developer through computer model fees, identified on Exhibit A. All projects with 1 through 14 units, not previously included in the model will

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be studied and added to the model annually. Costs associated with the study of this project will be prorated and are identified on Exhibit A.

4. The District participates in the local area Blue Stake program. Arizona Revised Statutes, Title 40, Chapter 2, Article 6.3, Section 360.21 through 360.40 which requires the location of utilities before excavations by contractors and other person(s). Any person (s) found in violation of the Blue Stake regulations that causes damage to District lines, facilities or equipment will be charged direct and indirect costs associated with coordination and execution of the required repairs, as determined by the District. This does not preclude the levy of fines or penalties allowed by the State Statutes and/or this Code. If a permit has been issued for such work, the permit holder shall be responsible for prevention of all violations of this Code or State law and for such violations when they occur and shall accordingly be liable for all costs and/or penalties attaching thereto or imposed as a result thereof.

Nothing in this paragraph shall be construed to prevent imposition of these charges, in the discretion of the District or a Court of competent jurisdiction, on a person or entity other than the permit holder.

SECTION 3.05: PROHIBITED CONNECTION AND ACTS

No person shall uncover, make or maintain any connection with or opening into, modify or enlarge a connection, use, place or discharge sewerage or any other material into, alter or disturb any part or portion of the District sewerage system, sewer line, or any appurtenance thereof, except as authorized and approved by the District.

SECTION 3.06: PROHIBITED DISCHARGE OF SEWAGE

A. No person shall discharge any sewage or matter into the water of the District nor over any land within the District in any manner which is detrimental to the health, safety or welfare of persons or the public who may be affected by the resulting environmental condition.

B. Accidental Discharges

1. Each permittee shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Code.
2. For countermeasures to be taken by the District to minimize damage to the sewer system and/or degradation of the receiving waters, permittee shall notify the District immediately upon accidentally discharging wastes in violation of this chapter.

This notification shall be followed within fifteen (15) days of the date of occurrence by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve permittee of liability for any expense, loss or damage to the sanitary sewer system, or for any fines imposed on the District on account thereof and/or for any enforcement action pursuant to this occurrence.

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3. In order that officers, agents and employees of permittee's will be informed of the District's requirements, permittees shall make available to their employees copies of this Article, together with such other wastewater information and notices which may be furnished by the District from time to time for the purpose of improving and making more effective water pollution control. A notice shall be furnished and permanently posted on the permittee's bulletin board advising officers, agents, and employees who to call in case of an accidental discharge in excess of the limits authorized by the permit.
4. Any possible connection or entry point for a hazardous and/or prohibited substance to the permittee's plumbing or drainage system shall be appropriately labeled to warn operating personnel against discharge of such substance in violation of this Code.

SECTION 3.07: MATERIALS PROHIBITED IN SEWER

- A. No person shall discharge or cause to be discharged into any sanitary sewer, any storm water, surface water, ground water or unpolluted industrial process waters.
- B. Except as provided in this section, no person shall knowingly discharge or cause to be discharged into any sanitary sewer any of the following described waters or wastes:
 1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
 2. Any liquid or waste which may contain more than fifty parts per million of weight of fat, oil or grease.
 3. Any gasoline, benzene, naphthan, fuel oil, or other flammable or explosive liquid, solid or gas, or other hydrocarbons.
 4. Any garbage that has not been properly shredded, as defined in this Code.
 5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, grits, such as, brick, cement, onyx, carbide, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
 6. Any water or wastes having: (1) a five-day biochemical oxygen demand greater than 300 parts per million, or (2) containing more than 350 parts per million of suspended solids, or (3) containing any quantity of substances having the characteristics described in this section.
 7. Any waters or wastes having a pH lower than five and one-half or higher than nine or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 8. Any waters or wastes containing a toxic, radioactive or poisonous substance in sufficient quantity to: (1) injure or interfere with any sewage treatment process, (2) constitute a hazard to humans or animals, or (3) create any hazard in the receiving water of the sewage plant.

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9. Any waters or wastes containing dissolved or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
10. Any noxious or malodorous gas or substances in such quantity likely to create a public nuisance.
11. Any dissolved sulphide which has not been corrected to be not more than .05ppm before entry into the sewer system.

SECTION 3.08: SWIMMING POOLS

No person shall discharge the contents of a swimming pool into a sanitary sewer except in the manner specified herein.

The size of pipe carrying discharge water shall not be larger than two inches and shall not be under a head to exceed twenty (20) feet. If the water is discharged by pumping, the rate of flow shall not exceed one hundred (100) gallons per minute.

Each swimming pool discharging to a sanitary sewer shall be equipped with an approved backwater valve to preclude any possibility of a backflow of sewage into the swimming pool or piping system.

SECTION 3.09: INDUSTRIAL USER REQUIREMENTS

A. Sewer Charges

Industrial users shall be required to pay sewer charges as established by the Board and set forth in Schedule A.

B. Permits Required

All producers of industrial waste of any quantity, strength, or quality, and all producers who hereafter desire to connect any discharge to the District sewerage system shall obtain a permit for such connection from the District Manager.

C. Permit Conditions

- (1) All permits shall be expressly subject to all provisions of this article and all other applicable regulations. Permits may require, but are not limited to, the following:
 - a. Unit charge or schedule of user charges and fees for the wastewater to be discharged to the sanitary sewer;
 - b. The average and maximum strength, characteristics or constituents of the user's wastewater discharge;
 - c. Limits on rate and time of discharge or requirements for flow regulations and equalization;
 - d. Regulations for installation of inspection and sampling facilities, which include requirements for District access to such facilities;
 - e. Pretreatment requirements;
 - f. Regulations for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards of tests, and reporting schedule;

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- g. Requirements for the submission of technical reports or discharge reports;
 - h. Requirements for the maintenance of plant records relating to wastewater discharge and affording the District access thereto, and
 - i. Other conditions as deemed appropriate by the District Manager to insure compliance with this article.
- (2) The District may change the conditions of any permit from time to time, as circumstances or laws or regulations enacted by the State or Federal government may require.
 - (3) Any change in wastewater strength or volume discharged shall be reported to the District Manager for determination of need to change the permit conditions.
 - (4) It shall be unlawful for any permit holder to fail to report to the District for review by the District Manager any change in wastewater strength or volume discharged in excess of those limits stated in any permit.

D. **Permit Application Requirements and Conditions**

- 1. An industrial user shall make application for a permit on a form provided by the District Manager.
- 2. An applicant shall pay a fee as set forth in Exhibit A for each application for an industrial wastewater discharge permit. The application will not be accepted unless the fee is paid.
- 3. An applicant, upon compliance with the terms and conditions established by this article for the issuance of industrial wastewater discharge permits, shall pay the District a fee as set forth in Exhibit A and shall thereafter be issued an industrial wastewater discharge permit which shall be valid for a period of one (1) year from the date of issuance.
- 4. An applicant, upon continued compliance with the terms and conditions established by the article for the issuance of industrial wastewater discharge permits, shall file an application for renewal of an industrial wastewater discharge permit, shall pay the District a fee as set forth in Exhibit A and thereafter shall be issued a renewed industrial wastewater discharge permit which shall be valid for a period of one (1) year from the date of issuance of the renewal.
- 5. An applicant seeking an industrial wastewater discharge permit must submit, as part of its application, the results of an analysis, compliant with Standard Methods, as that term is defined herein, and conducted by a professional testing laboratory acceptable to the District Manager of a grab sample or a daily composite sample, as those terms are defined herein, of the effluent discharge from the applicant's plant.
- 6. An applicant must submit as part of its application for a permit, a discharge report which must include, but not be limited to, nature of process, volume, rates of flow, production quantities, or any other information that is relevant to

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the generation of waste, including substances and concentrations in the wastewater discharge.

7. An applicant must, as part of its application for a permit, submit a plat showing location and size of on-site sewers, sampling plant, pretreatment facilities, District sewers and other pertinent details.
8. An applicant must, as part of its application for a permit, list each product reproduced by type, amount and rate of production and the chemical components and quantity of liquid or gaseous materials stored on-site, even though they may not normally be discharged into the sewer system.
9. In the event a producer of industrial waste which is authorized to make a connection to the District sewer for industrial waste disposal under the provisions hereof is sold, leased or its operation is assumed or taken over by another person, firm or corporation other than that named in the permit, a new application for permit shall be made by the new owner, lessee or operator.
No permit issued under the provisions hereof shall be assignable, and a violation of this provision shall be grounds for summary suspension or revocation of such permit by the District Manager.
10. It shall be a condition of the permit that the District may at any time test any of the wastes being discharged by the company or plant for quality or quantity. A duly authorized District representative may enter the permittee's premises at any time during business or operational hours for the purpose of inspecting plant operations to estimate quality and quantity of wastes as defined herein.
11. It shall be a condition of the permit that the permittee will install facilities (sampling well) at the permittee's expense for the purpose of the District's representative inspecting, observing and sampling representative flows.
12. It shall be a condition of the permit that periodic reports as hereinafter set forth or as required by the District Manager be submitted to the District Manager.
13. Issuance of an industrial wastewater discharge permit shall not release the permit holder from the obligation to comply with all other provisions of this Code.

E. **Interim Permits**

1. An applicant presently operating as an industry that is already connected to the system and that fails to comply with the requirements of this Code regarding discharges of industrial waste into the sanitary sewer system shall be denied an industrial wastewater discharge permit.
2. If such an applicant intends to continue to discharge after refusal of an industrial wastewater discharge permit for noncompliance with discharge standards, then such applicant must reapply for an interim industrial discharge permit upon the payment to the district a fee as set forth in Exhibit A.

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3. An applicant, upon compliance with the terms and conditions established by this article for the issuance of an interim industrial wastewater discharge permit, shall pay the District a fee as set forth in Exhibit A and shall thereafter be issued an interim industrial wastewater discharge permit which shall be valid for a period of six (6) months from the date of issuance.
4. An applicant, upon continued compliance with the terms and conditions established by this article for the issuance of interim industrial wastewater discharge permits, shall file an application for renewal of an interim industrial wastewater discharge permit, shall pay a fee as set forth in Exhibit A and shall thereafter be issued a renewed interim industrial wastewater permit which shall be valid for an additional period of six months from the date of issuance of the renewal.
5. An applicant issued an interim industrial wastewater discharge permit shall be required to enter into an agreement with the District as hereinafter set forth.

F. **Discharge Restrictions**

1. Unless otherwise required or approved, the delivery of all industrial wastes from the producer to the District Sanitary Sewer shall be at a reasonably uniform rate, as produced, without storage by the producer, except that storage which is necessary in the pretreatment plant of the producer.
2. It shall be unlawful to discharge or cause to be discharged into the District Sewer any subsurface drainage, storm or ground water, downspout or roof runoff, yard sprinklers, drains, fountains or ponds into any sanitary sewer. Water from boiler drains, blow off pipes or cooling water from various equipment may be discharged into the sanitary sewer by an indirect connection whereby such discharge is cooled, if required, and flows into the sanitary sewer, provided that the waste does not contain materials or substances in suspension or solutions in violation of the limits prescribed by this Code.
3. It shall be unlawful to discharge or cause to be discharged into the District sewer any of the following described substances, materials, waters or wastes:
 - a. Any liquid or vapor having a temperature higher than one hundred thirteen (113) degrees Fahrenheit (forty-five (45) degrees centigrade).
 - b. Any liquid or waste which contains wax, grease, oil, plastic or other substances that will solidify or become discernible viscous at temperatures between sixty (60) to ninety (90) degrees Fahrenheit.
 - c. Flammable or explosive liquids, solids, or gas, such as gasoline, kerosene, benzene, naphtha, etc.
 - d. Solid or viscous substances such as ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, lime slurries, lime residues, slops, chemical residues, paint residues, fiberglass or bulk solids.

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- e. Wastes from garbage grinders, except those wastes generated in the preparation of foods that are generally consumed on the premises, and not unless it has been properly comminuted or shredded to reduce all food scraps and like particles to one-fourth (1/4) inch or less in greatest dimensions. Garbage grinders shall not be used for grinding plastics, paper products, garden refuse, hospital or veterinarian refuse, or similar refuse for disposal into a District sewer.
 - f. Any noxious or malodorous substance which can form a gas, or which either singly or by interaction with other wastes, is capable of causing objectionable odors or hazard to life and property; or which forms solids in concentrations exceeding limits established herein; or which creates any other conditions deleterious to structures or treatment processes; or which requires unusual facilities, attention or expense to handle such materials.
4. Except in quantities or concentrations as herein authorized, it shall be unlawful for any individual, person, permittee, producer or corporation to discharge waters or wastes to the sanitary sewer containing the following:
- a. Free of emulsified oil and grease if such materials:
 - 1. Exceed upon analysis an average of two hundred (200) mg/L (1,666 pounds per million gallons) of either or both combinations of free or emulsified oil and grease; or
 - 2. Deposit grease or oil in the sewer lines in such manner as to obstruct the sewers; or
 - 3. Overload the discharger's skimming and grease-handling equipment; or
 - 4. Are not amenable to biological treatment and will therefore pass to the receiving waters without being effected by normal sewage treatment processes; or
 - 5. Have adverse effects on the treatment process due to the excessive quantities or strength.
 - b. Acids or alkalis which attack or corrode sewers or sewage disposal structures or have a pH value lower than 6.0 or higher than 9.0 or which, due to contents, may be reduced or changed with age or by sewage to produce acid or alkaline reactions.
 - c. Any salt of the following heavy metals, in solution or suspension, exceeding the concentration for each metal listed below, the analytical results to be expressed in terms of the element indicated.

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Metal	Average Quality mg/L	Daily Composite Quality mg/L	Grab Sample Quality mg/L
Arsenic	0.1	0.2	0.3
Barium	1.0	2.0	4.0
Boron	1.0	2.0	6.0
Cadmium	0.05	0.1	0.2
Chromium	0.5	1.0	5.0
Copper	0.5	1.0	2.0
Lead	0.5	1.0	1.5
Manganese	1.0	2.0	3.0
Mercury	0.005	0.005	0.01
Nickel	1.0	2.0	3.0
Selenium	0.05	0.1	0.2
Silver	0.05	0.1	0.2
Zinc	1.0	2.0	6.0

Any discharge exceeding any value for any method of sample listed above is an unlawful discharge.

5. Cyanide or cyanogen compounds capable of liberating hydrocyanic gas or acidification in excess of two (2) mg/L as CN in the wastes from any outlet into the District sewers.
6. Hospital waste, blood, medicine, pharmaceuticals, and radioactive materials exceeding the existing standard of the Arizona State Department of Health.
7. Any wastewaters containing phenols in excess of ten (10.0) mg/L; or any wastewaters containing other taste-producing substances in such concentrations as to produce odor or taste in the effluent as to affect the taste and odor of the receiving waters.

Discharges which exert of cause:

- a. excessive discoloration, or
 - b. unusual BOD or an immediate oxygen demand, or
 - c. unusual concentrations of solids or composition, as an example, in total suspended solids of an inert nature (such as Fuller's earth) and/or in total dissolved solids (such as sodium chloride or sodium sulfate); or
 - d. unusual flow and concentration
8. Any substance which is not amenable to treatment or reduction by the wastewater treatment process employed, or is amenable to treatment only to such degree that the wastewater treatment plant cannot meet the requirements of other agencies having jurisdiction over discharge to the

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receiving waters without first pretesting to a concentration acceptable to the District.

9. Materials which exert or cause excessive discoloration such as, but not limited to, dye wastes and tanning solutions, unless, by actual test, it is found that such discoloration will be removed by pretreatment and existing District treatment plant.
10. Sulfides in concentrations greater than two (2.0) mg/L.

G. **Industrial Agreements**

Agreements between an industrial user and the District shall be entered into when any of the following condition exist:

1. The user desires to reserve excess capacity in the District Sewerage System. In such a case, the industrial user may be obligated to pay industrial cost recovery charges on the capacity reserved for a minimum period of time as agreed to by the parties.
2. A permit applicant fails to comply with the discharge restrictions of this Code and applies for an interim permit. In such a case, the applicant shall be obligated to file a plan to bring its discharge into compliance with the requirements of this Code for an industrial wastewater discharge permit. The agreement shall set forth the conditions of the interim permit.
3. The user is a significant user of more than ten (10%) percent of the District's Sewage Treatment capacity.

H. **Waste Monitoring Program**

1. In order to insure continuing compliance with the limitations and restrictions set forth in this Code, each industrial user shall monitor its discharge to the District Sewerage System by testing the discharge with sufficient frequency to ensure that such limitations are not excluded and such restrictions are not violated. Such testing may be accomplished by a professional laboratory, or in cases where the user has sufficient testing capability, facilities and expertise, by the user itself.
2. The District Manager may require a laboratory analysis of a user's discharge at any time. For the purpose of sampling for such an analysis, the user shall permit access by the District's representative to the sampling well or other facilities as required by Section 3.08 (D) (11) of this Code.

I. **Prior Permits**

Permits issued pursuant to any prior industrial waste regulation shall remain valid until after their expiration date, or one year from the date of issuance, whichever is sooner.

Upon expiration or invalidation of such permits, application shall be made by the permit holder under the provisions of this Code for an initial industrial wastewater discharge permit.

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J. **Reporting Requirements**

A verified report, to be made upon a form provided by the district, shall be filed annually by all users with industrial wastewater discharge permits or with interim industrial wastewater discharge permits, or those with four-year permits.

The reports shall state that the applicant has not made any change in its operations, or that the applicant has or will within the term of the permit increase the strength, volume or any other characteristic of the user's discharge into the District sewerage system;

the applicant then shall, upon a form provided by the District, describe the changes in operation that alter the strength, volume or other characteristics of the discharge.

It shall be unlawful for a permit holder to change its industrial process without approval of the District Manager if such change results in the user exceeding the levels for flow and discharge quality stated in the user's permit.

K. **Trade Secrets**

All information and data relating to a permittee obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information to the general public would divulge information or processes or methods that would give a business advantage to competitors who do not otherwise have this information.

SECTION 3.10: INDUSTRIAL PRETREATMENT REQUIREMENTS

- A. Pretreatment will be required in the following instances, and the District Manager shall submit to the applicant the pretreatment levels which must be obtained:
1. If the District Manager determines upon the initial application for a permit under this article that the proposed industrial waste must be pretreated by the applicant to lower the level of any of the components of the industrial waste before discharge to the District sewer.
 2. If the District must improve the discharge from its wastewater treatment plant to the receiving stream as a result of directives from Federal or state regulatory agencies, orders or judgments from courts of competent jurisdiction, or changes in the discharge permit for the District's wastewater treatment plant or plants, then and in that event the District Manager will require that a permit holder install or enlarge pretreatment facilities to lower the affected component of the permittee's industrial waste discharge.
 3. If any wastewater prohibited under the conditions of this article is produced, such producers shall pretreat the wastewater to the extent required to comply with the standards established herein before discharging to any District sewer.
 4. If the District Manager determines that a permittee, because of plant expansion and/or changes in plant operations, has increased either the strength or volume of the discharge, the District Manager may require additional pretreatment to lower the level of the volume and/or any

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components of the industrial waste before discharge, unless such permittee has previously made cost recovery payments for reservation of additional industrial capacity.

Pretreatment facilities required under the foregoing subsections of this section shall be provided, operated and maintained at the permit holder's expense.

- B. Any sludge or other material removed from the industrial waste by the pretreatment facility shall be disposed of in accordance with applicable Federal, State and local laws. No sludge will be allowed to be discharged into the District sewer system without prior written approval.
- C. Dilution of waste discharged to the District Sanitary Sewer System is prohibited, whether accomplished by the combination of two (2) or more waste streams by a producer or producers, or by the addition of other liquids solely for the purpose of diluting the quality of the waste discharge. One or more producers may, upon application and approval by the District Manager, combine industrial waste streams prior to discharge to the District Sanitary Sewer System if, and only if, such combination of industrial waste streams produces a combined discharge of better quality than the two industrial waste streams would have been if charged separately. However, if one or more producers are allowed to mix industrial waste streams to produce a better discharge, the user charge established herein based on the quality of its industrial waste streams prior to combination shall be paid to the District.
- D. Detailed plans showing any pretreatment facilities shall be submitted to the District Manager for approval before construction of the facilities. The review of such plans will in no way relieve such permit holders from the responsibility of modifying and operating the facilities to produce an effluent complying with the established conditions of the permit. Any subsequent, significant changes in the approved facilities or method of operation shall be reported to the District Manager and must be reviewed and approved by him as complying with the provisions herein established.
- E. After the construction plans for such pretreatment plants have been approved and a permit issued, the plans shall be placed on file in permanent, reproducible form with the District Manager without cost to the District, before a building permit will be issued.

SECTION 3.11: SEPTIC TANK AND SCAVENGER WASTE HAULERS

A. Permit to Discharge

All persons or companies wishing to discharge scavenger wastes into the sewerage system must first obtain a Scavenger Waste Discharge Permit from the District Manager. Fees for such permits are set forth in Exhibit A. Permit applications shall include information on company ownership, identification and license number of all trucks to be used for delivery of waste to District sewerage facilities. It shall also include truck capacity and other information pertinent to discharge to the sewerage system. Permit applications shall be signed by a responsible owner or manager of the company applying for permission to discharge. All waste hauling equipment operated by companies with permits shall be registered with the District and shall

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be identifiable by display of an assigned registration number and the truck capacity in gallons. Prior to approval of a septic waste disposal permit, each vehicle intended to be used to deliver septic waste will be filled with metered reuse water. The volume used to fill the truck will be the basis of the District's charge each time that particular vehicle delivers to the treatment plant, regardless of the gallons in the truck at the time of delivery.

1. The permit provided for in this section of the Code shall be issued by the District to all applicants who comply with the terms and conditions set forth in this section upon the payment of a permit fee as follows:
 - a. For each vehicle utilized for the transportation of wastes for disposal into the sewerage system, a fee as set forth in Exhibit A.
 - b. The permit issued as provided for in this section shall expire one (1) year after the date of issue.
 - c. Revocation of permit - Noncompliance with any part of this section or subsequent regulations shall subject the permit holder to revocation of permit to utilize the services of the District Sewerage System for disposal of scavenger or septic wastes.
Reissuance of permit to discharge after revocation shall be at the discretion of the District Manager and may be made subject to such conditions as he deems appropriate.

B. **Regulations**

The District Manager may establish such regulations as are deemed necessary to control the discharge of scavenger or septic wastes into the District Sewerage System.

C. **Provision of Service**

Normal wastes from septic tanks or individual (one residential unit) sewage treatment plants, may be discharged routinely. Permission to discharge other wastes that are not readily biodegradable or are not known to be compatible to the operation of waste water treatment plants shall be refused. Special request must be made to the District prior to discharge of any materials of questionable acceptability. Some specific reasons for refusal of service shall include:

1. Material deleterious to treatment plant operation or operators such as oils, greases, gasoline, toxins, volatile solvents, sand, metallic particles or paints;
2. Materials which would cause unusual expense in handling and treatment, unless prior arrangements have been made for the payment of additional cost of service; or
3. Materials which would inhibit the performance of the treatment plant such as acid, plating wastes or toxic materials. The discharge of scavenger wastes shall be permitted only at locations and during such hours as shall be established by the District Manager. The discharge of scavenger wastes to the sewerage system at any other location is forbidden.
4. Waste solids from treatment plants or processes, deep pit toilets, or other like wastes will not be accepted.

ARTICLE IV: SEWER CHARGES, FEES AND RATES

SECTION 4.01: ESTABLISHMENT

A. **Necessity for Charges**

It is hereby determined necessary for the protection of the public health, safety and welfare to conform with Federal, state and local laws and regulations, that a system of charges for sewerage service be established which allocates the cost of providing sewerage service to each user in such a manner that the allocated costs are proportionate to the cost of providing sewerage service to that user insofar as those costs can reasonably be determined.

B. **Charges Established**

There are hereby established the following sewer charges and fees:

1. Sewer use charges
2. Industrial cost recovery
3. Sewer system plant capacity
4. Collection system capacity
5. Annexation
6. Permit/Hookup
7. Tap
8. Septic waste or scavenger
9. Miscellaneous and Administration
10. Special connection

All fees to be in an amount set forth in Exhibit A attached hereto and shall commence upon connections to the system.

C. **Rate Establishment Procedures**

Rates for each type of sewer charge and fee shall be reviewed annually by the District Board of Directors, and at least annually the Board of Directors shall, in accordance with appropriate statutory procedure, establish the rates to maintain a proportionate distribution of operative and maintenance costs to respective users. Rates shall be designed to recover the cost of rendering sewerage services for the year during which the rates shall be in effect.

Rates shall be established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for service.

The District Manager shall submit annually to the District Board of Directors not later than sixty (60) days prior to the end of the fiscal year an Annual operations Report, including a recommended rate schedule for the following fiscal year. The report shall contain data utilized in determining said rate schedule. The rate schedule adopted by the District Board of Directors shall be based upon the following factors:

1. The total applicable cost of salaries and benefits of employees engaged in providing sewerage service;

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2. Applicable operating expenses, including parts, materials, and services incurred in providing sewerage service;
3. Applicable equipment replacement costs necessitated by the provision of sewerage services;
4. Appropriate indirect costs of the District in rendering sewerage-related services such as purchasing, accounting, billing and administration;
5. Annual debt service charge for the retirement of sanitary sewer bonds; and
6. Other pertinent factors as determined by the District Board of Directors.

SECTION 4.02: SEWER USE CHARGE - USER CLASSIFICATION

- A. For the purposes of determining the sewer use charge, each user shall be assigned by the District Manager to one of the following classifications: residential, commercial, industrial, church and nonprofit, or public property and schools.
 1. Residential: a parcel of property used for single family or multiple family residential dwelling purposes.
 2. Commercial: a parcel of property used for any business purposes or retail sales purposes in accordance with the comprehensive plan and the zoning ordinance of the Town of Payson, Arizona.
 3. Industrial: a parcel of property used for manufacturing or other purposes as allowed in accordance with the comprehensive plan and the zoning ordinance of the Town of Payson, Arizona.
 4. Church property: a parcel of church property which is exempt from taxation under the laws of the State of Arizona because of its religious purpose, but EXCLUDING vacant property or parsonage which shall pay another applicable rate;
 5. Nonprofit property: parcel of property owned or occupied solely by a nonprofit organization which is exempt from taxation by the Federal Government or the State of Arizona.
 6. Public Property and Schools: any property owned by a unit of government or which is used for public school purposes.
- B. **Sewer Use Charge**
 1. The sewer use charges in this section shall commence when connection of the sewer line to the facility being served is completed and inspected and shall terminate only when the facility served is no longer physically connected to the District sewer line. The service charge shall be charged and collected from the property owner whether or not said unit is occupied during the billing period.

RESIDENTIAL RATES

See Exhibit A.

COMMERCIAL RATES

The Commercial Use Fee shall be determined as follows: January & July actual water use, divided by 2, multiplied by 12 months, divided by 365 days will be the average

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daily commercial use. This average use will be divided by the average daily residential use (175 gallons per day) and multiplied by User Rate for one Residential Unit. Use of this calculation equates commercial unit rates with residential rates.

- a. The District shall utilize water usage records from the Town of Payson or other utilities to determine sewage generation rates for commercial users.
- b. When a District commercial user is not connected to the Town's or other utility's water supply, or if inadequate documentation of water use is available, then the District shall use the sewerage generation rates presented in Exhibit B upon which to base the user fee.
- c. The District Manager shall assign higher use rates to those entities which discharge wastes or a strength higher than that expected for typical domestic sewage. Said rates shall be subject to concurrence by the Board of Directors.

C. **Billing and Payment**

The sewer service charges in this section shall be billed and paid monthly or quarterly at the District's option. Any person may prepay any quarterly or monthly installment(s) of the applicable utility rate. Should the billing rate increase during the prepaid period the customer is responsible for the increased rate amount.

D. **Public Property and Schools**

The rate shall be as set forth in Exhibit A for each public property, excluding each public school property used wholly for instruction purposes.

The rate for each public school property used wholly for instructional purposes shall be set forth in Exhibit A.

E. **Sewer Use Charge - Rate Schedule**

1. A rate schedule for the sewer use charge shall be established at least annually by the District Board of Directors as required in paragraph C of this section. The rate schedule shall establish separate rates for the following:
 - a. Users in the residential classification.
 - b. Users in the commercial classification.
 - c. Users in the industrial classification.
 - d. Users in the church and nonprofit classification
 - e. Users in the public property and school's classificationRates for those in #C. above may be established either individually or by standard industrial classification.
2. Industrial Rate schedules shall be based upon volume of wastewater discharge and BOD and SS of the wastewater discharged.
3. The District shall utilize water usage records from the applicable water company to determine sewage flows for commercial users and residential users to equate ERU's (Equivalent Residential Unit) for all classes except industrial classes or uses. For purposes of this Code on (1) ERU shall be equivalent to 175 gallons per day flow. This rate of flow may be amended from time to time by the District in accordance with the actual water usage within the community.

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F. **User Charge System Determination of Payments and Charges**

1. The user charge shall be set to collect sufficient funds for the operation, maintenance and replacement of the treatment works and collection system.
2. A proportional charge shall be made to all users that discharge wastewater, either directly or indirectly, into the District Sewerage System. Such charges shall be based on the quantity of water used as measured by a water meter or through the use of a sewage flow meter and the user's wastewater characteristics.
All water and sewage flow meters and their installation shall meet the acceptability of the District Manager.
3. All revenue from the sale of treatment-related by-products shall be used to offset the cost of operation and maintenance. User charges shall be reduced proportionally for all users. Total annual revenues received from the sale of a by-product shall be credited to the treatment works O & M cost no later than the fiscal year immediately following their receipt.
4. **INCONSISTENT AGREEMENTS:** The User Charge System shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of the Arizona Department of Environmental Quality State User Charge Policy, and Section 204(b)(1)(A) of the Clean Water Act. Any preexisting agreements which levy charges less or more than that which would be collected by this User Charge System will be deemed unacceptable.

SECTION 4.03: SEWER SYSTEM CAPACITY CHARGE

- A. For the purpose of providing revenue to help finance and to more equitably distribute the cost of the construction of necessary additions to both the sewer system and the sewage treatment facilities, it is hereby determined and declared necessary to provide for the establishment, exaction and regulation of a sewer capacity charge as hereinafter determined, with such charge to be in addition to any and all other fees which may be imposed with respect to the said sewer system.
- B. The funds received from the collection of such charge, as it is herein authorized, shall be deposited and credited to a special fund from which the District Board of Directors may take appropriations for the payment of the cost and expense of developing or enlarging the sewage collection, treatment and effluent disposal facilities of the District, including the construction of the sanitary sewerage system, regulator chambers, storm standby tanks, pumping stations and sewage treatment works and for the payment of the cost and expense of extensions to or the enlargement of same.
- C. The District Manager shall be and is hereby authorized and directed to charge and collect a sanitary sewer system-capacity charge whenever
 1. A Sewer Service Agreement has been executed by the parties
 2. Application is made for the issuance of a sewer permit to provide sanitary sewer service to a new structure
 3. At the time an existing structure is enlarged or its use changes

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4. When an existing structure is removed and a new structure built and reuse is made of an existing sanitary sewer service or a new sanitary sewer service is constructed, where such property is or will be tributary, directly or indirectly, to any trunk sanitary sewer built by the District, either inside or outside the corporate limits of the District.
- D. The charge so exacted shall be as set forth in Exhibit A, using the attached schedule of average flows per day.
- E. Structures wholly intended for parking space use or that part of a multiple-function structure used for parking space area shall be subject to a charge of one commercial unit regardless of the total structure square footage of parking area over or under the fifteen thousand (15,000) square foot unit figure.
- F. Credit for any existing structure which has a use change or for an existing structure enlarged or removed may be applied against the system-capacity herein imposed in the amount of the original structure charge up to, but not more than, the current charge.
- G. **PAYMENT OF FEE BY DEVELOPERS**
 1. Capacity fee charges for commercial establishments may be collected through an agreement with the developer over a period not to exceed five (5) years. This deferred payment plan shall only be authorized to be executed with the recorded property owner and excludes the residential or commercial subdivisions addressed in Section 4.03 G.2.
 2. Developers are responsible for payment of the plant capacity fee for subdivisions in full upon execution of the Sewer Service Agreement. Arrangements may be made in certain circumstances to collect capacity fees:
 - a. Residential: If the Developer makes a partial payment (minimum one-half) of the established Plant Capacity Fees as shown on Exhibit AB@ of the developer agreement, neither the Developer, the subdivision nor any purchaser of a lot or any other property in the subdivision shall be entitled to utilize any plant capacity in excess of the number of ERU's which such partial payment represents at the time such payment is made.

The remaining balance of Plant Capacity Fees shall be paid incrementally as provided in the agreement with the developer as each lot in the subdivision seeks to physically connect to the sewer system and shall be paid prior to any such connection. Plant capacity fees may be changed from time to time and no lot in the subdivision shall be entitled to plant capacity at the rate charged for the partial payment, or any particular rate. The amount of the deferred Plant Capacity Fees shall be the amount established per ERU at the time payment is made, less any credit relating to a partial payment previously made.
 - b. Commercial/Industrial: One half (2) the Capacity Fee set forth in Exhibit A per lot at the time of signing the sewer service agreement. The remaining capacity fee will be paid at the time of development of the property or issuance of a sewer connection permit.

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3. Any agreement entered into between the Owner and the District regarding the payment of such fees or charges shall provide that any unpaid charges, rental or expenses for the sewer connection services provided to the property under said agreements shall be and become a lien upon said property and shall be and remain a lien thereon until the same has been fully paid and discharged. Said lien may be foreclosed in the same manner as the foreclosure of a realty mortgage.
4. Acceptance by the District of any proposed agreement for sewer service is conditioned upon the economic feasibility of providing sewer service as may be determined by the District Board.
5. If subdivision lift stations are required, they shall be installed in accordance with the District specifications at the expense of the owner. Such lift stations shall be maintained and operated by the District at no cost to the owner, only when said lift stations are installed in utility easements of dedicated rights-of-way and ownership is transferred to the District.
6. Where pipe sizes greater than those necessary to serve the entire development are required by the District, the District shall pay for the cost over and above the normal cost of installation if contributing flows from other upstream developments are substantial as determined by the District Engineer.
7. Where sewer lines are constructed by a property owner, the District will inspect the project, and the Owner will be charged an inspection fee as set forth herein. Upon written notification before the start of construction, the Owner's engineer may inspect the project in lieu of an inspection fee. The District shall not be required to accept sewage from the project, whether or not sewage has actually flowed through the connection, until the District has accepted the project in writing. Where the owner's engineer does the inspection, acceptance shall not be made without such engineer's completion certificate addressed to the District. No project shall be accepted unless it conforms to the District's standard specifications or special provisions applicable thereto.

The District retains the right to make periodic "spot" inspections of the project site. A full-size paper "as built" drawing and two (2) Auto CAD drawing files must be submitted to the District prior to acceptance. Such permits as required by the State, County, or District must be obtained before the construction is started.

H. **PAYMENT OF FEE BY RECORDED OWNER OF RESIDENTIAL PROPERTY**

1. Capacity fee charges may be collected through an agreement with the recorded homeowner over a period not to exceed two (2) years. This time deferred payment plan shall only be authorized to the recorded owner of a property, when the residential unit is owner occupied, a single-family residential unit, and the recorded property owner does not hold title to any other residential property within the District boundaries. This deferred

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payment plan shall not be authorized when any portion of the capacity fee has been prepaid by a developer.

SECTION 4.04: ANNEXATION FEE

If property for which application for sewer service is made is not presently within the boundaries of the District, a petition in proper form for annexation of said property to the District shall be filed with said service application along with all annexation fees as established by the Board and as set forth in Exhibit A attached hereto.

1. Any property owner that is exempt from paying real property taxes to Gila County, shall not be required to pay the Annexation Fee set forth in Exhibit A.
2. In the event a property owner previously exempt from paying real property taxes to Gila County loses that exempt status, an Annexation Fee shall then become due and payable.
3. Should any property that previously qualified for an exemption under Section 4.04.1 above be transferred to an owner that does not meet the exemption requirement in that section, an Annexation Fee shall be due and payable upon the transfer. The Board shall have the power to, at its discretion, defer the payment of this fee until the time of the development of the property

SECTION 4.05: HOOK-UP FEE/INSPECTION FEE

A permit/hook-up fee, as set forth in Exhibit A, must be paid at the time service is rendered, except for those properties not located in an Improvement District. Properties not within an Improvement District shall pay Special Connection Fees as set forth in Section 4.10. Permit/hook-up fees may include delinquent, disconnection and/or reconnection fees or other fees against the property.

SECTION 4.06: TAP FEE

If a sewer tap is required to connect any building sewer or house sewer to the District sewer, the fees for such tap shall be as set forth in Exhibit A.

SECTION 4.07: COLLECTION SYSTEM CAPACITY FEE

Collection system capacity fees are charged to provide for present or future costs associated with providing sewer flow to the treatment facility. Costs related to the collection system capacity fee include engineering, construction, and master plan work, changes proposed to increase pipeline size, pumping equipment and other appurtenances to insure compliance with State and Federal Standards. The fees for such capacity shall be as set forth in Exhibit AA@.

SECTION 4.08: SEPTIC AND SCAVENGER WASTE FEE

Fees and charges for treatment of normal scavenger wastes shall be based on the costs of providing such services and on the expected overall average characteristics of such discharges. The District Manager may designate characteristics on which to base charges in special situations, such as discharges from sewage holding tanks, on submission of proof that waste discharges have other than expected overall average concentrations and with provision of positive identification procedures. The annual permit fee is identified on

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Exhibit AA@. Requirements for a Septic Waste Disposal Permit are outlined in Section 3.11A.

The Septic receiving fee is identified on Exhibit AA@. Charges may be billed at monthly intervals or at the discretion of the District Manager. The invoice is due upon receipt. The account shall be considered past due if not paid within thirty (30) days of billing date. The account shall be considered delinquent if not paid, in full, by the 15th day of month following the original billing date. Delinquency in payment shall be the basis for revocation of permit. The fee shall be as set forth in Exhibit A.

SECTION 4.09: ADMINISTRATIVE FEES

- A. Administrative fees shall be those as set forth in Exhibit A attached hereto including, but not limited to:
 - 1. Reimbursable expenses of the District
 - 2. Insufficient funds
 - 3. Lien recording
 - 4. Charges for District Management
 - 5. Account transfer
 - 6. Plan review / Computer Model
 - 7. Inspection
- B. Lot Split Fees-at the time any residential lot or parcel of land previously singly assessed as part of an Improvement District formed pursuant to Article 2, Chapter 14, Title 48, Arizona Revised Statutes is split on the County tax rolls and construction is commenced on any improvement which may use the District's sewers, a fee is immediately due and payable to the District.

This fee will be charged in addition to the original assessment paid by other property owners so long as the debt service has not been retired for a particular Improvement District.

 - 1. At any time, a property owner desires connection to the District's sewer collection system and availability exists due to an Improvement District, a fee will be established based on the ERU's charged said property, so long as debt service for said Improvement District has not been retired.
 - 2. A payment plan for such fee may be implemented provided that the District finds such a plan acceptable. This fee is in addition to all other fees in effect within the District at the time of commencement of construction of the improvement.
 - 3. District Expenses - Any expense caused to the District for the repair or replacement of damaged, stolen, tampered with or misused sewer facilities shall be charged against and collected from the person or persons who caused the expense.

SECTION 4.10: SPECIAL CONNECTION FEES

- A. For properties not within nor assessed by an Improvement District formed pursuant to Article 2, Chapter 14, Title 48, Arizona Revised Statutes, the applicable fees shall

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include a connection fee payable on a per lot or per parcel basis which shall be annually established by the Board and set forth in Exhibit A similar in amount to the costs of construction of an equivalent collector sewer system adjacent to the landowners property, including the cost of construction, engineering, legal and administrative services and in accordance with the benefit received, plus a fee for each lateral constructed in the public right-of-way to service the property.

Said money to be paid directly to the District in cash prior to the time of the connection to the District Sewer System, or to be paid pursuant to an installment contract, with interest on the deferred balance and secured by a recordable Deed of Trust on the property served. Said contract to be for a term not in excess of the later of the term of the bond issue used to finance the cost of the construction of the portion of the District Sewer System to which connection is being made or twenty-five (25) years, whichever is shorter. The rate of interest on the deferred payments to be set by the Board of Directors annually at the time of establishing the connection fee.

Said money so collected is to be used to pay all or part of the cost of installing other main line sewers in the District as and when designated by the Board of Directors of said District, or the costs of construction of additional sewage capacity. When said monies are not being expended for that purpose, they are to be invested or spent at the discretion of the District Board of Directors.

- B. Special Rules for property in the vicinity of Payson North Units 1 & 2, Western Manor Improvement District, and the Four Pines Road and Locust Street Improvement District.
 1. Any property owner whose property is within the vicinity of or within the above named subdivisions shall, if they were not assessed by the Improvement District established to provide sewer improvements to the foregoing subdivisions whether or not their particular parcel of property is located within the boundaries of such improvement district, shall pay sewer connection fees equivalent to the Improvement District Assessment on properties within the Improvement District which received sewer service there from. Such fee may be paid in full at the time of connection, or a payment plan may be implemented allowing the fees to be paid over a time with interest at a rate consistent with the term and rate of interest within the Payson North Improvement District. Such a payment plan shall be evidenced by a Note and Recordable Deed of Trust. The sewer connection fee charged will include the equivalent construction cost in addition to the current District development fees.

SECTION 4.11: DELINQUENT CHARGES

- A. (i.e.: January 1st) All user fees are payable upon receipt of the statement therefore, and all other fees and charges are due and payable when the services, permits or approvals are issued or rendered.
- B. (i.e.: February 1st) If any user fee statement is not paid prior to the next user fee statement being mailed to the customer, then the user fee statement shall reflect the unpaid amount and shall be clearly marked to designated "PAST DUE."

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- C. (i.e.: February 15th) Fifteen (15) days following the sending of the statement marked "PAST DUE" if no payment is received from the customer and no satisfactory arrangements have been made by the customer regarding payment of the same, the District shall send to the customer a Delinquent Notice. A satisfactory agreement with the District must provide that a percentage of all delinquent charges shall be paid each month to bring the account current within six months, but not to exceed twelve (12) months.
- D. (i.e.: February 28th) If no payment is received, and the customer has failed to make any satisfactory arrangements with the District regarding payment prior to the deadline given, the District shall send the customer and the Town of Payson Water Department a Ten Day Final Disconnect Notice of Sewer Service provided by the District and Water Service provided by the Town of Payson Water Department or at the District's sole discretion, a seventy-two (72) hour Scheduled Disconnection Notice. If payment is not timely received the District shall proceed with the Disconnection. Such time for disconnection shall be not later than thirty (30) days following the sending of such Notice. In addition, or in the alternative, the District may record a lien against the property for the amount of the delinquent user fees or other charges against the property, plus interest and costs incurred by the District in pursuit of collection of such fees and foreclose the same in the manner of a Laborer or Material man's lien. The District shall have the sole discretion as to whether or not a disconnect is physically made.
- E. Consumer's sewer service may be disconnected for nonpayment of a bill for sewer service rendered at a previous location, provided such bill is not paid within twenty (20) days after the unpaid bill has been presented to the consumer at their present location.
- F. Before sewer service will be turned on to any premises, all charges against the premises then due and payable to the District as required by this Code, or including any of the following items, must have been paid:
 - 1. On account of labor supplied or materials furnished by the District in the installation of service pipes connecting the premises with the District Sewerage Service previously supplied to the premises, whether used by the applicants or by some previous occupant of the premises
 - 2. On account of the assessment of or fine or penalty
 - 3. For turning sewer services off or on; or for repair or replacement of damaged, stolen or misused sewer works or facilities.
- G. Any delinquent account requiring special collection effort may be assessed a delinquent collection charge as established by the Board of Directors.
- H. The fees shall be charged to the property upon termination of sewer service by the District as set forth in Exhibit A.
- I. Any person who has received a Notification of Delinquent User Fees or a Notice of Scheduled Time for Disconnection of Sewer Service shall have an opportunity to appeal the issuance of such notices to the Board. Such appeal shall be filed within ten days of the issuance of such Notice, and unless stayed by resolution of the Board the Disconnect will occur as scheduled.

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- J. In the event of the filing of a lien or the physical disconnection of the sewer the customer may be required to deposit with the District, as a security deposit, a sum equal to one year's user fee, which if used must be replenished for service to continue. The District shall pay no interest on such deposit to the customer.

SECTION 4.12: SEGREGATION OF OPERATION AND MAINTENANCE REVENUES AND UTILIZATION OF FUNDS

- A. The District's accounting system shall segregate operation and maintenance expenditures from other revenues and expenditures to assure adequate revenue to properly operate and maintain the treatment works and collection system.
- B. There shall be established the following funds into which the sewer charges as levied herein shall be distributed:
 - 1. Sewerage System Operations and Maintenance
 - 2. Sewerage System Debt Retirement Fund
 - 3. Replacement Fund
 - 4. Sewerage System Construction and Expansion Fund.
- C. The District's Accounting system shall segregate Operation and Maintenance (O&M) revenue and expenditures from other revenues and expenditures to assure adequate revenue to properly operate and maintain the treatment works and collections system. All revenues derived from the sale of reuse water or biosolids shall be used for operation and maintenance.
- D. The utilization of the funds shall be as follows:
 - 1. Sewerage System Operations and Maintenance Fund - shall be utilized for personal services, operational expenses and equipment repair expenses associated with the provision of sewerage system services.
 - 2. Sewerage System Debt Retirement Fund - shall be utilized in servicing the debt retirement of sanitary district sewer bonds, issued pursuant to Articles one and two, Chapter 14, Title 48, Arizona Revised Statutes.
 - 3. Replacement Fund - shall be utilized to replace equipment as it becomes worn out or obsolete.
- E. Authority of the District Manager
Charges levied pursuant to this Code shall be collected by the District Manager. The District Manager shall make and enforce such rules and regulations as may be deemed necessary for the safe, economical and efficient management and protection of the District's sewerage system; for the construction and use of the sewers and connections to the sewerage system; and for the regulation, collection, rebating and refunding of such sewer charges.

ARTICLE V: PRIVATE SEWAGE DISPOSAL SYSTEMS

SECTION 5.0: APPLICABILITY

This Article shall be applicable only to the construction of private wastewater collection, treatment and effluent disposal systems which are not otherwise subject to approval by the Arizona Department of Environmental Quality or the Gila County Departments of Health or Engineering, unless said entities expressly delegate to the District the power and authority to act on their behalf.

SECTION 5.01: APPLICATION FOR APPROVAL

- A. Before any person shall construct or contract for the construction of any sewerage system, sewerage system extension, or waste treatment work or shall install any such process, device or equipment, either in whole or in part, an application for approval to construct the contemplated facility shall be made to the District on forms provided by the District. The District Manager, subject to the approval of the Board of Directors, shall act on the application within (30) days after receipt thereof by designating either approval or disapproval. In case of disapproval, the District shall state in writing the reason(s) for disapproval.

SECTION 5.02: CONSTRUCTION

- A. No construction shall be commenced until the District has issued a permit on the application.
- B. No disposal system for a development or an improvement shall be installed except as approved by the District.

SECTION 5.03: APPLICATION TO CONSTRUCT

- A. Before any person shall construct or contract for the construction of any sewerage system, sewerage system extension, or waste treatment work, or shall install any such process, device or equipment, either in whole or in part, an application for approval to construct the contemplated facility shall be made to the District on forms provided by the District. The District Manager, subject to the approval of the Board of Directors, shall act on the application within thirty (30) days after receipt thereof by designating either approval or disapproval. In case of disapproval, the District shall state in writing the reason(s) for disapproval.

SECTION 5.04: CONSTRUCTION AND/OR INSTALLATION

- A. No construction and/or installation of any sewage facility, device or equipment, as indicated in Section 5.01, shall be commenced until the District has issued written approval of the application provided for in Section 5.01.
- B. All construction and/or installation of any sewage facility, device or equipment, as provided in Section 5.01, shall comply with all applicable provisions of the Arizona Revised Statutes and any applicable regulations and standards of the Arizona Department of Environmental Quality (ADEQ).

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SECTION 5.05: MAINTENANCE

All private sewage disposal systems, facilities, devices and equipment shall be maintained and operated at all times in a sanitary manner and in accordance with all applicable regulations and standards of the Arizona Department of Environmental Quality.

SECTION 5.06: PERMISSIBLE USES

After December 31, 1977, a private sewage disposal system may be used within the jurisdictional area of the District only with written approval of the District and under the following circumstances:

- A. The house or building sewer cannot be physically connected to a public sanitary sewer or to require such connection would impose an unreasonable burden or hardship upon the property owner to be served and/or the District, such hardship being defined as being costs to connect to the sewer system being more than twice the cost of installing, operating and maintaining a septic tank in conformance with all regulations of ADEQ;
- B. The District determines that the particular usage of the private sewage disposal system will not unreasonably damage or endanger the public health, safety, welfare or interest.

SECTION 5.07: APPLICATION FOR USE BEYOND DECEMBER 31, 1977

- A. Any person desiring to use a private sewage disposal system within the District beyond December 31, 1977, shall submit a written application for such use upon a form provided by the District. The application must be received by the District no later than July 31, 1977.
- B. A copy of the application provided for in Subsection (A), above, shall be endorsed with the approval or disapproval of the District and returned to the applicant in person or by mail at the address of applicant as shown on the application.
- C. The applicant shall be entitled to appear before the Board of Directors of the District to have the action of the District reviewed upon written request to do so received by the District no more than fourteen (14) days after the endorsed copy of the application by the District.

ARTICLE VI: MISCELLANEOUS PROVISIONS

SECTION 6.01: UNLAWFUL ACTS

- A. **Unlawful Acts**
A person who, without obtaining a permit for connections as required under Arizona Revised Statutes, Section 48-2011, paragraphs 10 and 11 or those Rules and Regulations, makes such a connection or who violates a rule adopted by the District is guilty of a class 2 misdemeanor,
- B. **Liability for Damages**
Any person who shall cause the destruction or damage to or loss of any property of the District shall reimburse the District the amount of such destruction, damage or loss.

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C. **Supremacy**

This Resolution and this Code shall take precedence over all previous actions, resolutions, motions or orders of the District relating to the same subject matter and further this Code shall be deemed to supersede all prior inconsistent actions of the Board or District.

SECTION 6.02: AUTHORIZED AGREEMENTS

No provision in this Code shall prohibit or prevent an agreement, contract or other arrangement between the District and any person relating to sewage of unusual strength or character, subject to such terms as the District shall require.

SECTION 6.03: WAIVER OR MODIFICATION

- A. If any person shall desire a waiver or modification of any provision of this Code, or any rule or regulation adopted by the District pursuant to this Code, by reason of circumstances which would make the provision, rule or regulation illegal, unjust or inequitable as applied to his property, he shall apply to the District in writing, stating the provision, rule or regulation sought to be waived or modified, the action desired, and the circumstances which support the request.
- B. The application provided for in this section shall be considered by the District, and the applicant shall be notified in writing of the action taken by the District. The District may waive, suspend or modify the provision of the Code, rule(s) or regulation(s) if it determines that its application is illegal, unjust or inequitable.
- C. Within thirty (30) days after the aforesaid notice of District action has been delivered or mailed to the applicant, the applicant may have the application and District action reviewed by the Board by submitting to the District a written request for review by the Board.

SECTION 6.04: AMENDMENT OF THIS CODE

This Code may be modified, amended or enlarged from time to time by resolution of the Board.

SECTION 6.05: STATUTORY POWERS

Neither this Code nor any provision thereof shall be construed to alter or limit in any manner the statutory rights and powers of the District and the Board under the Arizona Revised Statutes and all applicable laws. This Code is adopted pursuant to the aforesaid rights and powers of the District, and the District shall be entitled to continue to exercise the said rights and powers.

SECTION 6.06: SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Code, or the application thereof to any person or circumstances are for any reason determined or held to be unconstitutional, invalid and/or unenforceable, such determination or holding shall not affect the validity or application of the remaining portions of this Code or the application of such provision to other persons or circumstances.

The Directors hereby declare that it intends and would have enacted this Code or any section, subsection, sentence, clause or phrase hereof irrespective of the determination or

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holding that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional, invalid or unenforceable.

SECTION 6.07: EASEMENTS

- A. All property owners desiring the connection of the improvements on their property to the sewer system of the District shall grant to the District, at no charge to the District, those easements necessary to properly effectuate the sewer connection desired.
- B. All easements granted to the District shall be subject to the following restrictions and conditions of use:
 1. No person, firm or corporation having charge of property subject to easement in favor of the District, shall hereafter construct, build, or establish a building upon the property subject to said easement. A building means a house, commercial building, industrial building, or any structure of a size or construction that the moving thereof would cause great inconvenience to any person.
 2. Should the owner of the property subject to an easement in favor of the District construct a building thereon, in violation of this Resolution, the District, may employ individuals to clear said property, and charge the costs of the same to the owner of the property. Nothing contained herein shall obligate the District to compensate the owner of the property subject to the easement for the value of a "building" cleared. The District may take those steps as are required to work in the easement and preserve the improvement, rather than clear the improvements.
 3. No person shall excavate deeper than three (3) feet upon the property subject to the easement in favor of the District without having first obtained a permit therefore as herein required. Such permit shall be issued by the District and shall be signed by the Engineer. Applications for a permit to excavate upon property subject to easement in favor of the District shall be made in writing to the District and shall state thereon specifically the size of the space intended to be excavated, and the purposed for the excavation.
 4. No person shall plant any trees or shrubbery upon the property subject to the easement in favor of the District without having secured a permit therefore. Applications for such permit shall be made to the District. All trees and shrubs so planted shall be placed subject to the direction and approval of the District. No boulders, benches or fences shall be built or maintained upon the property subject to the easement in favor of the District, unless approved by the District.
 5. In the event any improvements are constructed within the boundaries of the easement and these create any additional costs to the District because it must incur additional expenses to repair, install or replace its sewers, the property owner shall be charged all additional costs incurred.
 6. Nothing herein shall prohibit the location of a mobile home on or over all or a portion of any easement of the District, provided that in the event it becomes

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necessary for the District to do any work within said easement the property owner shall pay the costs of moving the mobile home, if necessary, or all costs incurred as set forth in paragraph (e), if the work is done without moving the mobile home.

ARTICLE VII: BOARD OPERATIONS

A. OPERATIONS OF THE BOARD OF DIRECTORS

1. Qualified electors of Green Valley Water shall elect members of the Board of Directors who are qualified electors of the District. The Board of Directors shall consist of five members, to be elected in the manner prescribed by law. A quorum shall consist of three board members.
2. Green Valley Water shall hold an election for three positions on the first Tuesday after the first Monday in November of 1988, and every four years thereafter. The District will then hold an election in 1990 to elect two members of the Board of Directors, and every four years thereafter. Each Director shall serve for a term of four years, and until his successor is elected and qualified.
3. The Board of Directors will select a Chairman of the Board of Directors after the November 1988 election, and shall do so every two years following the District's regular Board member election. In like manner, the Board of Directors will select a Secretary of the Board. Such selections may be by majority vote or unanimous declaration of the Board.
4. A Director who resides in an area which is deleted from Green Valley Water during his term of office shall continue to serve until the next regular election, and until his successor is elected and qualified. If his term does not expire at that time, a new qualified director shall be elected to complete the unexpired portion of his term.
5. Each Director of Green Valley Water shall receive an amount established by the Board of Directors in accordance with Arizona Revised Statutes Section 48-2010 D for each meeting of the Board of Directors attended, plus traveling expenses. No director shall receive compensation, other than expenses, for attending more than four meetings of the Board during a calendar month.
6. All election procedures shall comply with the applicable statutory provisions set forth in A.R.S. Title 16, and A.R.S. Title 48, Chapter 14. The Board of Directors shall call the election no later than 120 days prior to the election and shall notify the Board of Supervisors of Gila County, within ten (10) days after calling Board member elections, of the date and purpose of the election as provided in A.R.S. Section 16-225(C).
7. In the event a vacancy occurs on the District Board due to death, disability, resignation or any other cause, the Board of Directors of the Sanitary District shall appoint a qualified elector of the District to fill the office for the remaining portion of that term, except that if the remaining Directors do not constitute a quorum, the County Board of Supervisors shall make the appointment to fill the vacancy, pursuant to Section 48-2010E Arizona Revised Statutes.

B. CONDUCT OF MEETINGS

All meetings shall be conducted under the provisions of Roberts Rules of Order.

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C. **VOTING**

All members of the Board shall have the same powers to make motions and/or vote on any matter coming before the Board.

D. **NOTICE OF MEETINGS**

1. The regular meetings of the Board of Directors of Green Valley Water shall be held on the Second Thursday of each and every month at the hour of twelve o'clock p.m. All meetings of the Board of Directors shall be held at the Administration Building Conference Room of Green Valley Water, located at 2200 West Doll Baby Ranch Road, Payson, Arizona 85541, unless the Board shall adjourn to or fix another place of meeting and notice is given thereof, or unless prevented by flood, fire, or other disaster. If any day fixed for a regular meeting of the Board of Directors shall fall upon a holiday, the meeting appointed for said day shall be held on the next day which may not be a holiday, at the same hour specified for the original meeting.
2. Green Valley Water shall file a statement with the Clerk of the Board of Supervisors in the Gila County, stating where notices of the public meeting will be posted. Likewise, Green Valley Water shall give such additional public notice as is reasonable as to the time, place and matters to be discussed at each meeting.
3. Notice of all meetings of Green Valley Water shall be given at least twenty-four hours in advance of the meeting to both members of the District Board and the general public EXCEPT:
 - a. In case of an actual emergency, a meeting or executive session may be held upon notice appropriate to the situation.
If an emergency meeting is held or an emergency measure is considered at a previously scheduled meeting, the district must post public notice within twenty-four hours after the meeting stating:
 - i) That an emergency session has been held; and the notice shall list the specific matters discussed, considered, or decided at the meeting.
 - ii) An emergency executive session need only include a general description of the matters discussed.
 - b. A meeting may be recessed and resumed with less than twenty-four hours' notice if public notice of the initial session of the meeting was made pursuant to these requirements and if before recessing, public notice of the time and place of resumption is given, or the public is informed of the method by which public notice shall be given in the future.

E. **SPECIAL MEETINGS**

1. Special Meetings of the Board of Directors shall be held upon the call of a majority of the members of the Board of Directors or the call of the Chairman by delivering written or other notice to each member, personally or by mail, by delivering it to his residence or place of business. Such notice must be given at least twenty-four hours before the time affixed for the proposed meeting and shall specify the time and place of the special meeting and the business to be transacted.
2. In case of an actual emergency, a meeting, including an executive session, may be held upon not less than two hours' notice to the Board of Directors.

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3. Notice of the Special Meeting is not required to be given any member who files with the Secretary a written waiver of notice, said waiver being given by telegram, or if the member subscribes his name to the Minutes of the meeting. The attendance at such meeting by any member, shall constitute a waiver of the provisions herein for notice as to time.
4. Emergency meetings may be called in the same manner as regular meetings.

F. **AGENDAS**

1. Green Valley Water shall make the agenda available to the public at least twenty-four hours before a public meeting, except in the case of an actual emergency. The agenda will list specific matters to be considered, and the District shall restrict itself to making decisions concerned only with the matters listed, and subjects related to those matters. The descriptions in the agenda shall be sufficient for any member of the public to understand the topics to be discussed at the meeting.
2. The District shall post a general notice of an executive session to give the public a general description of the matter(s) to be considered. The agenda will not contain detailed information of the items to be discussed at the executive session.
3. In case of an actual emergency, matters not listed on the agenda may be considered if a statement giving the reasons why emergency consideration is necessary is placed in the Minutes, the statement is publicly announced at the public meeting, and notice is posted as provided in Section D. In the case of an emergency executive session, Green Valley Water will publicly announce immediately before the executive session takes place, the reasons why emergency consideration is necessary.

G. **MINUTES**

Green Valley Water will take minutes or other recording at all meetings, including executive sessions. The minutes taken at meetings other than executive sessions will include at least the following information:

1. date, time, and place of meeting,
2. record of those members of the district either present or absent,
3. a general description of the matters considered in the meeting,
4. an accurate description of all legal actions considered or taken and the names of the members of the board who proposed each motion,
5. the name of anyone making statements or presenting material to the District and an indication of what the statement or material was about.

H. **EXECUTIVE SESSIONS**

The District shall hold Executive Sessions as they become necessary for the District to conduct business. Executive Sessions are sessions which are not open to the public, and minutes or discussions made at Executive Sessions shall be kept confidential except from members of the Board who met in Executive Session or officers, appointees or employees who were the subject of discussion or consideration pursuant to subsection (2) herein. The Executive Sessions shall be held upon a public majority vote of the members of the Board of Directors for the purposes permitted under A.R.S. Title 48, Section 431.03.

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The District shall keep minutes of or discussions held at executive sessions confidential, except from members of the District which met in executive session, and from a person who is the subject of an executive session pursuant to A.R.S. Title 38, Section 431.05(A) (1). Executive sessions are not open to the public, and the District shall inform those present at the executive session of the confidentiality requirements.

An executive session cannot be held to take legal action involving a final vote or decision and except in the event of an emergency, Green Valley Water shall not discuss matters in an executive session which were not described in the notice of the session.

I. **CONFLICT OF INTEREST**

No member of the Board of Directors shall pursue any situation which would involve a Conflict of Interest.

PASSED, ADOPTED AND APPROVED by the Governing Body this _8th___ day of April, 2004.

James H Jones, Chairman
Green Valley Water

ATTEST:

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MODIFICATIONS RULES & REGULATIONS

MODIFICATIONS TO RESOLUTION #423

Resolution		Date
426		08/22/1991
427	PNID Reference	09/26/1991
441		03/17/1993
Approved by Motion	Update Entire Manual	04/08/2004
Approved by Motion	Modify Sewer Connection Permit to 365 Day	02/14/2008
624	Modify Section 4 Sewer Charges, Fees and Rates	01/14/2010
Approved by Motion	4.11 Modification to Delinquent/Disconnect Procedures	02/10/2011
Approved by Motion	4.04 Modification to Annexation Fees	02/16/2017
Approved by Motion	2.26 & 3.02 Modification to Guest Quarters	05/11/2017
660	Name Change to Green Valley Water	03/03/2021
Approved by Motion	Modify Board Approved Documents with Green Valley Water	05/13/2021