

ARTICLE 19

WASTEWATER SYSTEMS

SECTION 19-10

APPLICATION

Article 19 establishes the minimum qualification for persons performing soil classifications, percolation tests, site assessments, on-site wastewater treatment facility design; and prohibiting performance of such services by persons with a documented history of reporting inaccurate results, producing inadequate designs, or other potentially unethical or unacceptable behavior;

Also included is the notice of intent to discharge, design and installation requirements; repair of existing on-site wastewater treatment facilities; penalties; appeals process.

SECTION 19-11

QUALIFICATIONS REQUIRED

Soil analysis, percolation tests, site investigation, on-site wastewater treatment facility design; persons authorized to perform; additional notice of intent to discharge, design, and installation requirements, repair of existing on-site wastewater treatment facilities.

- A. All site investigations, percolation testing, soil analyses, system selection, and design of on-site wastewater treatment facilities shall be conducted in accordance with Arizona Administrative Code Title 19, Chapter 9, Articles 1 and 3.
- B. The services referenced in Section 19-11.A shall be performed only by the following persons:
 1. Professional Engineers or Geologists licensed by the Arizona Board of Technical Registration pursuant to A.R.S. §32-121 *et seq.*, with knowledge of and competence with the preparation of the design documents and submittals for such systems, unless exempted under ARS §32-144(A) (6).
 2. Sanitarians registered with the Arizona Sanitarians Council pursuant to A.R.S. §36-136.01, with knowledge of and competence with the preparation of the design documents and submittals for such systems.
 3. Persons who have demonstrated proficiency in site investigations and the selection and design of on-site wastewater systems, and who have met all the following requirements:
 - a. ~~Successful completion of one or more classes presented by the Gila County Wastewater Department within the past two years and after January 1, 2001, regarding the tasks specified in Section 1(A). Those persons who successfully completed the “Implementing ADEQ’s Aquifer Permit Program Regulations for On-Site Wastewater Treatment Facilities, Effective January 1, 2001” training presented by the Gila County Wastewater Department in March 2001 shall be considered qualified to perform the tasks specified in Section 1(A). The Gila County Wastewater Department shall expressly state whether~~

~~or not any classes it presents to the regulated community after the effective date of this ordinance will qualify the prospective attendees to perform the services referenced in Section 1(A) under this section.~~

- b. Successful completion of "Gila County Listing Course" and/or other specified classes presented by Gila County Community Development along with their associated pre-requisite courses. Those persons who have successfully completed the "Gila County Listing Course" presented by Gila County Community Division or have within the two years following their most recent listing, successfully completed a specified "Re-Listing Course" and its associated pre-requisites if any, shall be considered qualified to perform the tasks specified in Section 19-11.A. Gila County Community Development Division shall expressly state whether or not any classes it presents, along with the associated pre-requisite courses if any, to the regulated community after the effective date of this ordinance will qualify the prospective attendees to perform the services referenced in Section 19-11.A under this section.
 - c. Maintained a satisfactory history of producing accurate results, and adequate designs.
4. ~~The Gila County Health Department~~ **Community Development** reserves the right to not accept results from persons or firms with a documented history of reporting inaccurate results, producing inadequate designs, or other actions that may result in violations of the provisions of Arizona Administrative Code Title 19, Chapter 9, Article 1 and 3. **A "documented history" is defined as three written notices of reporting inaccurate results producing inadequate designs, or other actions that resulted in violations of the provisions of Arizona Administrative Code Title 18, Chapter 9, Articles 1 and 3 issued to the person or firm over the cumulative time of listing of that person or entity.**

SECTION 19-12

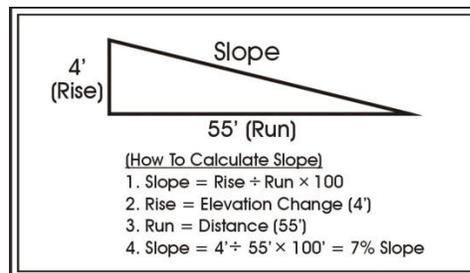
SITE INVESTIGATIONS

- A. All site investigations, percolation testing, and soil classifications pertaining to on-site wastewater treatment facilities shall be witnessed by a member of the Gila County Community Development staff to be valid. Any results of such activities, which are performed without being witnessed by Gila County Community Development Staff, may be considered invalid.
- B. ~~The Gila County Health Department~~ **Community Development Division** may require percolation testing to resolve disputes in those instances where the site investigator and the Gila County Community Development Staff are unable to reach an agreement on the soil's ability to absorb water as determined by soil classification methods.
- C. ~~The Gila County Health Department~~ **Community Development Division** may require percolation testing when the soil type and structure are such that soil classification methods are difficult to apply properly. Such soil types and structures include, but are not limited to, decomposed granite, fractured shale, fractured sandstone, etc.

SECTION 19-13

WASTEWATER TREATMENT FACILITY DESIGN

- A. Conventional on-site wastewater treatment facilities regulated under Arizona Administrative Code R18-9-E302 (General Permit 4.02) may be designed by any person qualified under Section 19-11.B of this Ordinance.
- B. Alternative on-site wastewater treatment facilities regulated under Arizona Administrative Codes R18-9-E303 through R18-9-E323 (General Permits 4.03 through 4.23) shall be designed by Professional Engineers licensed by the Arizona Board of Technical Registration pursuant to A.R.S. §32-121 *et seq.*, with knowledge of and competence with such systems.
- C. Surveying performed for the purposes of establishing property boundaries, corners, and bench mark elevations shall be performed by or under the direct supervision of a professional land surveyor registered by the Arizona Board of Technical Registration pursuant to A.R.S. §32-121 *et seq.* Any other surveying for the purpose of establishing surface slopes or topographical grades shall be performed by or under the direct supervision of a person qualified to perform the tasks specified in section 19-11.A.



- D. A Gila County Septic Compliance Report and a Gila County Floodplain Status Report shall accompany each on-site wastewater treatment facility Notice of Intent to Discharge form submitted to the Gila County ~~Health Department~~ **Community Development**.
- E. Where the daily design flow for a residence as calculated by fixture count does not agree with the daily design flow as calculated by bedroom count, the designer shall base the design on the larger of the two values.
- F. ~~The Gila County Health Department~~ **Community Development** may deny requests made for an alternative feature of design, installation, or operational feature under Arizona Administrative Code R18-9-A312(G) when the applicant is unable to demonstrate that the proposed alternative feature satisfies both of the following criteria specified in Code R18-9-A312(G):
 1. The proposed alternative feature addresses site or system conditions more satisfactorily than the general permit requirement, and;
 2. The proposed alternative feature achieves equal or better performance compared with

general permit requirement.

- G. ~~The Gila County Health Department~~ **Community Development** may expressly require a person requesting an alternative feature of design, installation, or operational feature under Arizona Administrative Code R18-9-A312(G) to submit written documentation prepared by a professional engineer (other than the original designer of the on-site wastewater treatment facility), a registered geologist with a strong background in hydrology, registered by the Arizona Board of Technical Registration pursuant to A.R.S. §32-121 *et seq*, or other qualified professional as necessary to demonstrate conformance with Arizona Administrative Code Title 18, Chapter 9, Articles 1 and 3.

SECTION 19-14

WASTEWATER TREATMENT FACILITY INSTALLATION

- A. A property owner or applicant may not install an alternative on-site wastewater treatment facility regulated under Arizona Administrative Codes R18-9-E303 through R18-9-E323 (General Permits 4.03 through 4.23) for his or her own use, unless the property owner or applicant possesses a valid license issued by the Arizona Registrar of Contractors which would allow the homeowner or applicant to contract to install an on-site wastewater treatment facilities.
- B. No person shall repair or replace an existing on-site wastewater treatment facility, unless they have met all of the following requirements:
 - 1. They meet one or more of the qualification requirements given in Section 19-11.B.
 - 2. They obtain an on-site wastewater treatment facility repair permit from ~~the Gila County Health Department~~ **Community Development** before beginning the repair or replacement.
 - 3. The repair and/or replacement conforms to Arizona Administrative Code Title 18, Chapter 9, Articles 1 and 3 to the maximum extent practicable.

SECTION 19-15

VIOLATIONS/PUBLIC NUISANCE

~~Penalties~~ Violations/Public Nuisances Dangerous to the Public Health; Abatement of Public Nuisance Dangerous to the Public Health

- ~~A. Any individual violating Section 1 of this Ordinance shall be guilty of a class one (1) misdemeanor, pursuant to A.R.S. §11-251.05(A)(2).~~
- ~~B. In addition, the Gila County Attorney may file a civil action to enjoin the individual from performing such services and/or recover all fees earned by the violator for return to the person who has paid for the performance of these services.~~
- A. **The following conditions constitutes a public nuisance dangerous to the public health:**
 - 1. **All sewage, human excreta, wastewater, garbage or other organic wastes deposited, stored,**

discharge, or exposed so as to be a potential instrument or medium in the transmission of disease to or between any person or persons.

2. Any vehicle or container used in the transportation of human excreta ~~that~~ which is defective and allows leakage or spillage of contents.
3. The maintenance of any overflowing septic tank or cesspool, the contents of which may be accessible to flies, **and other insects and rodents.**
4. The use of the contents of privies, cesspools or septic tanks or the use of sewage or sewage plant effluents for fertilizing or irrigation purposes for crops or gardens except by specific approval of ADEQ.
5. The pollution or contamination of any domestic waters that is direct result of the conditions listed above.

B. Abatement of Public Nuisance Dangerous to the Public Health

1. If a Public Nuisance Dangerous to the Public Health exists on private property, Gila County Community Development may order the owner or occupant to remove the nuisance within twenty four (24) hours at the expense of the owner or occupant. This order will be in the form of a notice of violation served as required by law and delivered to the owner and/or occupant of the property. If the owner or occupant fails or refuses to comply with the order, Gila County Community Development may take any or all of the following actions:
2. Remove or have the nuisance removed using the methods and procedures prescribed in Gila County Ordinance #08-02, the Clean and Lien Ordinance (See Section 16-14).
3. Order or authorize the water utility serving the property to turn off the water to the property to prevent the danger to public health from increasing.
4. Where water to the property is provided by a private well with a pump supplied with power furnished by a utility company, order or authorize the utility company to disconnect power to the property to prevent the danger to the public health from increasing.
5. Charge the owner or occupant who caused the nuisance with a violation of this ordinance as prescribed in.

SECTION 19-16

ADMINISTRATION AND ENFORCEMENT

~~A) An applicant may appeal any final decision made by the Gila County Health Department regarding the issuance or denial of a license to install and/or discharge from an on-site wastewater treatment facility, pursuant to the Pre-Hearing and Hearing Procedures for on-site wastewater system licensing Appeals adopted by the Gila County Board of Supervisors.~~

A. It shall be the duty of the Gila County Community Development Wastewater Department

Manager to administer and enforce this Ordinance. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Director of Community Development shall have the authority to appoint the related technicians, sanitarians, inspectors and other employees as necessary to assist the Wastewater Department Manager. Such employees shall have the powers as delegated by the Board of Supervisors through the Director of Community Development. All County law enforcement officials and agencies shall, whenever requested by the Wastewater Department Manager, enforce this Ordinance to the extent that they are lawfully authorized to do so, subject to the will of the Gila County Board of Supervisors.

SECTION 19-17

PENALTIES; REMEDIES

- A. Criminal Penalties: Any person, firm or corporation, whether as principal, applicant, agent, tenant, employee or otherwise, who violates any provision of this ordinance or violates or fails to comply with any order or regulation made hereunder is guilty of a Class 1 Misdemeanor. Each and every day during which the illegal activity, use or violation continues is a separate offense.
- B. Civil Penalties: Any person, firm or corporation, whether as principal, owner, applicant, agent, tenant, employee or otherwise, who violates any provisions of this ordinance shall be subject to a civil penalty. Each day of a continuing violation is a separate violation for the purpose of imposing a separate penalty. The civil penalty for violations of this ordinance shall be pursuant to Gila County Ordinance No.05-01, titled Gila County Hearing Officer Rules of Procedures. An alleged violator shall be entitled to an administrative hearing on his liability, and review by the Board of Supervisors as provided in the Ordinance No.05-01.
- C. Remedies: An alleged violator who is served with the Notice of Violation subject to civil penalty shall not be subject to a criminal prosecution for the same factual situation. However, all other remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions or improvements nor prevent the enforcement, correction or removal thereof. In addition to the other remedies provided in the article, the Board of Supervisors, the County Attorney, the Inspector, or any adjacent or neighboring property owner who shall be damaged by the violation of any provision of this ordinance, may institute, in addition to the other remedies provided by law, injunction, mandamus, abatement or any other appropriate action, proceeding or proceedings to prevent or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

SECTION 19-18

APPEALS

Nothing in this Ordinance precluded any individual, company or corporation from seeking redress through the courts concerning any portion of this Ordinance or any ruling made by Gila County Community Development. The method of appealing a Civil Penalty imposed by the Gila County Hearing Officer is outlined in Article 16 of this code. The method of appealing verdicts of a Criminal Penalty is outlined in the State of Arizona Rules of Criminal Procedure.