

## **ORDINANCE 22-10**

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY ADDING AN ARTICLE TO CHAPTER 126 TO BE NUMBERED VII; PROVIDING FOR REGULATIONS PERTAINING TO PRIVATE SEWER LATERALS; PROVIDING FOR PERMITTING AND REGULATION OF PRIVATE COLLECTION SYSTEMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pinellas County owns and operates wastewater facilities and related collection, transmission, and treatment infrastructure (“System”); and

WHEREAS, in addition to maintaining the System, the Board of County Commissioners also establishes policies governing the use of the System for the purpose of maintaining efficient, economic, and safe operation of the System and for the protection of the health, safety and general welfare of the public within Pinellas County; and

WHEREAS, the Pinellas County Code currently provides, among other provisions, that a purpose of the regulations and requirements currently codified is to prevent and abate pollution through the regulation and control of connections to the county sewer system and to limit the use of the sewer system to the collection, conveyance, treatment, and disposal of wastewater through appropriate regulation and enforcement; and

WHEREAS, in order to protect the environment from biological, nutrient, and other types of contaminants, as well as to ensure that financial investment in the System is accurately guided so that rate-payer funds are applied to create an appropriately engineered and functioning System, policies and programs are needed to address the various contributing factors that may cause inappropriate discharges to the System, or to increase the risk of sanitary sewer overflows (SSO) and the potential for regulatory action connected therewith; and

WHEREAS, the risk for adverse impacts to the System as well as of the occurrence of SSOs is increased when stormwater, groundwater or other inappropriate sources of discharge enter the sewer infrastructure, collectively referred to as inflow and infiltration (I&I); and

WHEREAS, a known source of I&I exists in portions of private plumbing infrastructure, in particular the portions of private plumbing that transmit wastewater from a building collection system to the System (Sewer Lateral), when Sewer Laterals through causes including material degradation, damage, and age begin to admit unintended discharges; and

WHEREAS, private Sewer Laterals belong to the property owner and are not County-owned infrastructure, but they are connected to and have a significant influence on County owned infrastructure by conveying material into the System; and

WHEREAS, there are private Collection and Transmission systems (private Sewer Systems) that discharge into the System and are not County owned infrastructure; and

WHEREAS, private Sewer Systems are not currently operated and maintained in accordance with best practices and discharge I&I into the System and also are at risk of causing SSOs from operation failures; and

WHEREAS, the Board therefore finds that a public purpose is served by eliminating the risk, to the extent possible, that a defective private Sewer Lateral or private Sewer System can contribute I&I to the System, which could result in SSOs or other burdens and expenses that would become a burden to the rate-payers of the System; and

WHEREAS, it is not only in the best interests of the environment and the residents of Pinellas County that private Sewer Laterals and private Sewer Systems are maintained in a state of good working order, but the Board has already established minimum housing standards that require the maintenance in good repair of private plumbing conveyances, including Sewer Laterals; and

WHEREAS, the County wishes to additionally and proactively reduce the amount of I&I originating from defective private Sewer Laterals and private Sewer Systems; and

WHEREAS, the Board has determined that policies and programs that address these obstacles to private Sewer Lateral repair and private Sewer Systems operation and maintenance support the public purposes described herein;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, that:

SECTION 1. That the Pinellas County Code is hereby amended by creating a new article to Chapter 126 to be numbered VII which article reads as follows:

## **ARTICLE VII.**

### **PRIVATELY-OWNED COLLECTION AND TRANSMISSION SYSTEMS**

#### **DIVISION 1.**

#### **IN GENERAL**

##### **Sec. 126-700. Definitions.**

*Cleanout* means a segment of pipe connected to an underground private sewer lateral and rising to the surface, providing access to the sewer lateral for purposes of inspection and cleaning.

*Competent Professional* means a Licensed Plumbing Contractor, licensed engineer, an inspector certified in National Association of Sewer Service Companies (NASSCO) pipeline inspection or

other person with all required professional licensure and the professional and technical competency to perform the scope of work included in a private Sewer Lateral inspection.

*Comprehensive Rehabilitation* means the rehabilitation or replacement of all gravity sewers, manholes, and public and private laterals, unless otherwise considered watertight, within a specific defined project area with the goal of maximizing the reduction of I&I entering from the project area.

*County Sewer System (System)* means all sanitary sewer collection, transmission, and treatment infrastructure owned and operated by the County.

*Defective* means, as applied to a Private Sewer Lateral, a Private Sewer Lateral for which any of the following conditions exist upon inspection by a licensed plumbing contractor or other competent professional:

- i. evidence of pipe or joint cracks or deterioration;
- ii. root intrusion into a pipe;
- iii. a misaligned pipe segment, sag, or lack of positive gradient;
- iv. a lack of a necessary cleanout cap;
- v. a downspout, drain, defective cleanout or other connection that allows storm water or other extraneous water to enter the sanitary sewer collection system; and/or
- vi. a defect (such as a crack, fracture, hole, open joint, etc.) or active leak that allows the discharge of sewage on the property or the introduction of extraneous water into the System.

*Infiltration* means groundwater that enters a sewer system, including service connections, through defective pipes, pipe joints, connections, service connections, manholes, or lift stations. Infiltration does not include, and is distinguished from, inflow.

*Inflow* means surface water and stormwater that enters a collection/transmission system, including service connections, from sources such as roof leaders, cellar drains, yard drains, area drains, drains from wet areas, foundation drains, cross connections between storm sewers and sanitary sewers, catch basins, stormwater, surface runoff, manhole covers, or drainage. Inflow does not include, and is distinguished from, infiltration.

*Licensed Plumbing Contractor* means a plumber licensed and insured in the State of Florida pursuant to Chapter 553 and Section 489.105, Florida Statutes.

*PCU-Prequalified Licensed Plumbing Contractor* is a licensed plumber or contractor that meets the requirements specified by Pinellas County Utilities for registration as prequalified, which includes defined qualification criteria, an active license, familiarity with standard drawings and

specifications and submittal requirements associated with this policy and providing a warranty for a minimum of one (1) year.

*Private Collection and Transmission Systems (private Sewer System)* are privately owned sanitary sewers, manholes, lift stations, force mains and any other facility that discharges into the County sewer system excluding single-family residences.

*Private Collection and Transmission Systems (private Sewer System) Operating Permit* is a permit from the County provided to owners of a private Sewer System allowing the private owner to discharge wastewater into the County System that includes terms and conditions and performance requirements for the owner to maintain and operate their system in accordance with County requirements.

*Private Sewer Lateral* means a pipe that carries wastewater, excluding storm, surface and ground water starting just outside the building and ending at the right-of-way or recorded easement, and connects directly to the county System.

*Private Sewer Lateral maintenance* means the routine inspection, flushing, rodding, and removal of grease, roots, and debris of a private sewer lateral located within private property up to the right-of-way to maintain a free-flowing condition.

*Property* means any real property, or portion thereof, located in the County, including buildings or structures and private sewer infrastructure situated on the surface or beneath the surface of the property, including the private sewer lateral up to the right-of-way.

*Rehabilitation* as applied to private sewer laterals, means the lining of the complete length of the private sewer lateral with a cured-in-place liner to bring the private sewer lateral into compliance with the minimum functional requirements established by this code. This also includes any other work necessary to prepare the pipe for lining.

*Replacement* as applied to private sewer laterals, means the installation of a complete new private sewer lateral and cleanout.

*Sanitary Sewer Overflow (SSO)* means a wastewater overflow from a manhole, a confined repair site, or directly onto the ground from a sewer line break in the sanitary collection and transmission system (regardless of volume) within the Pinellas County sewer service area.

### **Sec. 126-701. Intent.**

This Article sets forth the criteria and requirements for the proper maintenance of new and existing private Sewer Laterals, as well as related infrastructure comprising a private transmission system servicing private buildings and discharging to the County's System. Included within this Article are requirements for private Sewer Lateral performance, inspection, reporting, maintenance, repair, and rehabilitative procedures required by all property owners discharging to the County's Sanitary Sewer System. This Article supports the county's compliance with all applicable State and Federal laws required by the "Clean Water Act of 1977" (hereinafter referred to as the CWA), and Chapter 62-604, Florida Administrative Code. The requirements of this

Article are supplemental to all other applicable regulations, including those stated elsewhere in this Code.

The objectives of this Article are as follows:

- (1) To minimize the introduction of groundwater or other unauthorized flows into the Pinellas County System resulting from inflow and infiltration (hereinafter referred to as I&I).
- (2) To educate and inform owners of privately owned sewer infrastructure, including private Sewer Laterals and related plumbing components, of their responsibilities regarding sanitary sewer system I&I and offer guidance to minimize I&I.
- (3) To ensure strict adherence to construction and maintenance standards applicable to private Sewer Laterals.
- (4) To reduce the potential for the occurrence of SSOs.

**Sec. 126-702. Applicability.**

The conditions of this article are applicable to all users of the county's sanitary sewer system. Except as otherwise provided herein, the County Administrator or designee shall administer, implement, and enforce the provisions of this Article.

**Sec. 126-703. Prohibitions and performance criteria.**

- (1) General Prohibitions. In addition to all other requirements and prohibitions, including but not limited to those in Sec. 126-301, Sec.126-327, 126-328, and 126-329 of this Code, the following acts and the causing thereof are strictly prohibited:
  - (a) The ownership and/or maintenance of any component comprising or associated with a private Sewer Lateral in a condition which will not assure an impervious connection to the sanitary sewer system to which it is connected.
  - (b) The submission by any person or owner of a private Sewer Lateral, or employee, contractor, or agent thereof, of misleading, false, or inaccurate information to Pinellas County, either knowingly or through neglect.
  - (c) The intentional or accidental release or discharge of excreta, sewage, or other wastewater or residuals from a private Sewer System without providing proper treatment to the surface of the ground or to a surface water body.
  - (d) The introduction of, or causing to be introduced, directly or indirectly, stormwater, in any amount, into any private sewer lateral or private Sewer System designed solely for the conveyance of domestic/industrial wastewater.

- (e) Acceptance of wastewater discharges which contain solid or viscous materials that may obstruct flow or otherwise interfere with County System operations or treatment.
  - (f) The operation and/or maintenance of all equipment associated with a privately-owned system in a condition without a valid private Sewer System operating permit and which will not reasonably ensure proper operation.
  - (g) Modification of a pump station, service area, sewer subsystem, and/or manholes without a construction permit.
  - (h) The discharge of I&I into the County System from a private Sewer System that may cause or contribute to surcharging or SSOs in the private and/or County System.
- (2) Private Sewer Laterals located upon privately-owned real property will be the responsibility of the private real property owner. Responsible parties will ensure the maintenance in good repair of a private Sewer Lateral, including through any necessary inspection thereof, and will Repair, Rehabilitate, or Replace any portions of the private Sewer Lateral that are Defective. Pinellas County may commence enforcement actions, if deemed necessary, to achieve cessation of infiltration and/or inflow.

## **DIVISION 2.**

### **PRIVATE SEWER LATERALS**

#### **Sec. 126-704. Private Sewer Lateral Inspections**

- (1) *Occurrences Requiring Inspection* Private Sewer Laterals must be inspected by a Competent Professional, upon the occurrence of any of the following:
- (a) At any time on or after October 1, 2022, a building permit application is filed for an improvement on the property that meets any of the following conditions:
    - i. the work would alter or expand any component of the building collection system that flows into the Private Sewer Lateral, including any drain or fixture such that the flow into the County System would be increased;
    - ii. would involve work, alterations, improvements, or replacement of any portion of the private Sewer Lateral;
    - iii. the work would include the addition, replacement, or relocation of a plumbing fixture, bathtub with shower or whirlpool tub or shower pan, or urinals, toilets, sinks, or trench drains that would increase wastewater flows into the County System;

- iv. The construction estimate of a home improvement is 50 percent or greater of the assessed value; this repair or reconstruction is considered a substantial improvement. A substantial improvement is defined as the first alteration of any wall, ceiling, floor, or another structural part of the building, whether the alteration changes the external dimensions of the structure. This definition is consistent with the 50 Percent Rule implemented by the National Flood Insurance Program (NFIP);
- v. Additional square footage of 70 square feet or more is added to an existing residential building because additional occupants would increase wastewater flows to the private Sewer Lateral;
- vi. A building is to be demolished and the lateral is to be kept in place. If a building has already been demolished and a new building is being constructed, any existing lateral being utilized will require inspection including those under slabs per the building code.

When required by this subsection, an inspection must be completed by a Competent Professional within 30 days of the filing of the qualifying building permit application.

- (b) The County is conducting improvements of the sanitary sewer system along the property boundary, in which case the County will offer to inspect the system subject to the owner's written agreement;
  - (c) The County observes an open and obvious condition indicating a Defective Private Sewer Lateral.
- (2) *Inspection Requirements* Inspections of private Sewer Laterals must be performed by a Competent Professional. The inspection and recording must be performed so that it is possible to clearly observe and assess the condition of the full length of the private Sewer Lateral. A closed-circuit television (CCTV) camera or other video recording technology is required, and proper lighting must be used such that the condition of the full length of the pipe can be inspected and recorded. Any debris, roots, or grease that impede the camera or interfere with the ability to fully view the pipe condition must be removed prior to inspection and all such conditions must be recorded and reported. All private Sewer Lateral inspections must include a report summarizing the conditions found in the lateral and the date of delivery of the report to the property owner. The property owner or Competent Professional must submit a copy of the report, and video recording if applicable, to the County within 30 calendar days of completion and delivery to the owner.
- (3) *Replacement or Rehabilitation of Defective Private Sewer Laterals* If a private Sewer Lateral is found to be Defective, it must be rehabilitated or replaced at the expense of the property owner within 365 calendar days from the date of an inspection, or the date on which the owner became aware of that a private Sewer Lateral was Defective. However, from time to time the County may conduct programs to repair or replace defective private

Sewer Laterals using County resources, or to contribute funding, provided the property owner meets applicable qualifications.

### **DIVISION 3.**

#### **PRIVATE SEWER SYSTEMS**

##### **Sec. 126-705. Private Sewer System Operating Permit**

- (1) Any person or entity owning a private Sewer System will obtain a three (3)-year renewable operating permit from the County. The operating permit will include details of enforcement, which will be based on the provisions and procedures set out in Pinellas County Code 126-400, which are made applicable to the provisions of this Article VII as though restated and revised fully herein. When submitting a renewal application, the owner of the private Sewer System is required to submit copies of the following:
  - (a) **System O&M Plan** – This plan will detail private Sewer System operation and maintenance (O&M) to ensure adherence to applicable regulations and permit requirements. The O&M Plan will include a strategy to ensure adequate funds are available and allocated for system inspection, cleaning, repairs, and replacement. A copy of the O&M Plan must be submitted with a new operating permit or permit renewal application.
  - (b) **Operation and Maintenance Records** – The operating records for the three-year period prior to the operating permit renewal application submittal date must be provided.
    - (i) Operation and maintenance records must be maintained for two reporting cycles. Records include daily run times, recorded either electronically or manually, and any inspections (other than the any inspection conducted by the County and/or cleaning and resulting repairs).
    - (ii) The County, at its discretion, may request certain operating records at any time. Requested records must be submitted to the County within 30 calendar days of the request.
  - (c) **Private Lift Station Service and Maintenance Agreement**– All private Sewer Systems that include a lift station must have a maintenance agreement with a person or company holding a State of Florida master plumbing certificate of competency, a Pinellas County master plumber certificate of competency, a state wastewater operator license, or be a person approved by the County for such work.
    - (i) The maintenance agreement will provide for monthly inspections of the sewer lift station to ensure proper operation and maintenance, and to provide 24-hour emergency restoration services if a failure occurs.



- (d) **Sanitary Sewer Overflow Response Plan (SSORP)** –The SSORP must adhere to United States Environmental Protection Agency (USEPA) guidance and include response to and remediation of SSOs caused by, but not limited to, line failure, line collapse, line obstruction, power failure and/or mechanical failure. When an SSO occurs within the owner's private Sewer System, the owner is responsible for notifying the County and the Florida Department of Environmental Protection (FDEP) within the required timeframes as specified in current regulations.
    - (i) The owner will clean up SSOs or spills as soon as possible after discovery in accordance with all applicable local and state regulations and take appropriate measures to correct all issues that caused or contributed to the SSO or spill.
  - (e) **Emergency and/or Backup Power Plan** – The private Sewer System owner will have a back-up power plan with protocols for managing flows during a power outage to prevent SSOs from occurring. This plan shall meet current State and County requirements.
- (2) The County may establish fees to recover the costs permitting, inspection, and all other elements of administering the provisions of this Division.

#### **Sec. 126-706. Private Sewer System Inspections**

- (1) The County will inspect all privately-owned collection systems periodically to ensure the integrity of the system. An inspection fee and re-inspection fee will be established by resolution of the Pinellas County Board of County Commissioners (the Board). These fees will be assessed for each collection system inspection and re-inspection. The collection system inspection may include:
  - (a) Examination of service records, plans, and agreements required by permit.
  - (b) Review the results of any inspections or assessments.
  - (c) Evaluation of compliance with operation and maintenance requirements.
  - (d) Review of data provided for evidence of excessive I&I, such as pump run times.
- (2) Infiltration and Inflow (I&I); If there is reasonable evidence that there may be excessive I&I within the private Sewer System, the County, at its discretion and cost, may hire an outside contractor to install a flow meter or any other measurement device at the point of connection to determine whether a private Sewer System is allowing excessive amounts of I&I to enter the County's System.
- (3) The County will provide reasonable notice when there is reason to need access to the flow meter or other measurement device to perform meter readings or for maintenance.

- (4) Should the County determine that excessive amounts of I&I are entering the County's System from a private Sewer System, the owner of the private Sewer System is responsible for determining the cause(s). The private Sewer System owner also is responsible for planning, designing, and constructing all necessary repairs or replacements to the system, and securing all applicable permits and authorizations. All work will be completed by a qualified licensed contractor and inspected by the County. Post-construction flow monitoring (at the original monitoring location) will be conducted by the County at its expense to demonstrate the effectiveness of the mitigation measures.

#### **Sec. 126-707. Private Sewer System Transfer of Ownership**

- (1) The County will allow for the owner of a private Sewer System to request the County to take ownership of a private Sewer System. After reviewing the owner's application and finding that the owner has met the requirements contained herein, the County may accept a transfer of ownership and responsibility for the private Sewer System.
- (2) Before the County takes ownership of any private Sewer System, the owner must establish that the collection system, including lift stations and other equipment, meet all requirements of the Pinellas County's Standard Technical Specifications, Material Specification Manual, and Standard Details. The County may, if it is deemed in the best interest of the County and its residents, decide to allow for a transfer of ownership if the collection system does not meet current County standards.
- (3) Before the County takes ownership of any private Sewer System, the owner shall have the private Sewer System tested to establish that it meets or surpasses the standards set forth in the Pinellas County's Standard Technical Specifications. The testing shall be done in accordance with the procedures set forth in the Pinellas County's Standard Technical Specifications unless otherwise allowed by the County.
- (4) The transfer of all property associated with the private Sewer System shall be evidenced by a good and sufficient bill of sale in a form acceptable to the County and shall be free and clear of any claims or encumbrances.
- (5) The County shall determine the extent to which a transfer of real property associated with the private Sewer System may be accomplished by easement or by conveyance of a fee interest. All easements shall be conveyed by good and sufficient easement deeds in a form acceptable to the County. All fee interests shall be conveyed by warranty deed. Regardless of whether an easement or fee is conveyed, the conveyance shall be free of any claims or encumbrances. Further, the owner of the private Sewer System shall provide the County with a survey in recordable form describing any interest in real property which the owner proposes to convey to the County.
- (6) At the time of the transfer, the owner shall execute a written warranty in a form acceptable to the County, guaranteeing that the private Sewer System meets every requirement

contained herein, and that for a period of twelve (12) months from the date of the transfer, the private Sewer System and all equipment associated with it will operate without the need for any repairs other than normal maintenance. Further, the owner will provide the County with a bond or letter of credit in a form and amount acceptable to the County which will be payable in the event that the private Sewer System is repaired during the warranty period and the owner does not make timely payment for those repairs.

- (7) The owner will pay all cost or expenses, including but not limited to attorney's and engineering fees, which the County incurs to accomplish the transfer of ownership of a private Sewer System.

Secs. 126-708--126-750. Reserved.

**SECTION 2. Severability.** If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

**SECTION 3. Areas Embraced.** This Ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

**SECTION 4. Inclusion in Code.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 5. Filing of Ordinance; Effective Date.** Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the ordinance with the Department of State.

**APPROVED AS TO FORM**

By: Miles Belknap  
Office of the County Attorney