

	Water Quality Division Substantive Policy	ADEQ
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	Appropriate Signatories for Certifications in A.A.C. R18-9-A309(C)(1)(b) and A.A.C. R18-9-A309(C)(2)(f)	Policy No. 3004.2021
		Effective: 02/07/2022

This Substantive Policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

1.0 **Purpose**

Pursuant to A.R.S. § 41-1001(22), "substantive policy statement" means a written expression which informs the general public of an agency's current approach to, or opinion of, the requirements of the federal or state constitution, federal or state statute, administrative rule or regulation, or final judgment of a court of competent jurisdiction, including, where appropriate, the agency's current practice, procedure or method of action based upon that approach or opinion. The clarification provided in this substantive policy statement has been determined by ADEQ to meet applicable state and federal law and, therefore, ADEQ provides this substantive policy to assist persons in interpreting rules pertinent to ADEQ. Notwithstanding this substantive policy statement, ADEQ may consider alternative approaches to comply with applicable law.

This policy establishes ADEQ's position on the requirements in A.A.C. R18-9-A309(C)(1)(b) and R18-9-A309(C)(2)(f), which address the appropriate signatories for both a certification of a septic tank water tightness test result and for a Certificate of Completion for an alternative onsite wastewater treatment facility (OWTF). The need for this policy arose from ADEQ awareness of a wide variety of interpretations of the rules addressed in this policy. A specific example is where ADEQ county delegates were reported to be accepting Certificates of Completion signed by county inspectors under R18-9-A309(C)(2)(f). It is a reasonable interpretation of A.A.C. R18-9-A309(C)(1)(b) and R18-9-A309(C)(2)(F) to require the signatory of a water tightness test and a certificate of completion for OWTFs to be the owner or the agent of the owner and not the permitting agency that must review the same documentation.

Generally, this policy will assist OWTF responsible parties, their agents, ADEQ delegated local agencies and others understand the general Aquifer Protection Permit (APP) requirements.

2.0 **Definitions**

A.A.C. – Means Arizona Administrative Code.

Agent – Agent means, for purposes of regulating on-site wastewater treatment facilities, a person who holds authority to act on behalf of another person within an agency relationship. An agency relationship is an express or apparent fiduciary relationship that arises when one person (a “principal”) manifests assent to another person (an “agent”) that the agent shall act on the principal’s behalf and subject to the principal’s control, and the agent manifests assent or otherwise consents to act in such capacity. A representative from an entity regulating the applicant, such as an inspector, may not act as an agent on behalf of an applicant.

Applicant – Means a “person” as defined in A.A.C. R18-9-101(33), or their agent, who submits a Request for Discharge Authorization form to the Department for the purpose of obtaining authorization from the Department to discharge in a manner consistent with the Type 4 General Permit for which they are applying.

Aquifer Protection Permits (APP) – Means a regulatory program in the state of Arizona authorized by the state legislature under Title 49, Chapter 2, Article 3.

A.R.S. – Means Arizona Revised Statutes.

Certificate of Completion (C.O.C.) – Means, for the purposes of A.A.C. R18-9-A309(C)(2)(f), an attestation by the person responsible for assuring that installation of an alternative system onsite wastewater treatment facility conforms to the design approved under the Construction Authorization under A.A.C. R18-9-A301(D)(1)(c).

Onsite Wastewater Treatment Facility (OWTF) – Means a facility as defined in A.A.C. R18-9-101(31).

Person – *[M]eans an individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, including a government corporation, partnership, association or state, a political subdivision of this state, a commission, the United States government or any federal facility, interstate body or other entity. A.R.S. § 49-201(26). For the purposes of permitting a sewage treatment facility under Article 2 of this Chapter, person does not include a homeowner’s association. A.C.C. R18-9-101(33).*

Person Responsible – Means an applicant or an agent of an applicant who is subject to A.A.C. Title 18, Chapter 9, Articles 1 and 3 and the enforcement provisions in A.R.S. Title 49, Chapter 2, Article 4.

R.F.D.A. – Means Request for Discharge Authorization.

3.0 Policy Statement

3.1 Under A.A.C. R18-9-A309(C)(1)(b), which applies to Type 4.02 septic tank general permits (regulated under R18-9-E302), the signatory certifying that a septic tank has passed its water-tightness test must be either the applicant or an agent of the applicant and may not be an inspector from a permitting agency.

3.2 Under A.A.C. R18-9-A309(C)(2)(f), the “person responsible” as the signatory of a C.O.C. must either be the applicant or an agent of the applicant and may not be an inspector from a permitting agency.

3.3 A “person” who submits an R.F.D.A. is the owner or the agent of the owner.

4.0 **Authority**

A.R.S. § 49-104 provides authority for ADEQ to formulate policies, plans and programs to implement Title 49 to protect the environment. A.R.S. § 49-245 provides authority for ADEQ to promulgate rules for general APP permits.

5.0 **Audience**

General Public
ADEQ Water Quality Permitting and Inspection Staff
ADEQ Management
Onsite Wastewater Treatment Facility Responsible Parties and their Agents
ADEQ Delegated Authorities or Local Agencies

6.0 **Policy Steward**

ADEQ Water Quality Division Director

7.0 **Communication & Training**

This policy will be noticed in accordance with A.R.S. § 41-1091. ADEQ will make this policy available on the Agency's policy website and the Agency's delegation website. ADEQ will distribute the policy to Delegated Authorities and Local Agencies. ADEQ staff is available for training, clarification and discussion.



8.0 **Annual Policy Review**

This policy will be reviewed annually and revised as necessary.

9.0 **Additional Documents**

Request for Discharge Authorization Form (On-Site), Attachment A.

10.0 **Approved by**

Title	Name	Signature	Date
Affected Executive Leadership Team Member	Trevor Baggio		Dec 8, 2021
Administrative Counsel, as to form	Edwin Slade	 Edwin Slade (Dec 13, 2021 09:19 MST)	Dec 13, 2021

11.0 **Historical Note**

N/A.



**REQUEST FOR DISCHARGE
AUTHORIZATION**
FOR AN ON-SITE WASTEWATER TREATMENT FACILITY
TYPE 4.02 TO 4.23 GENERAL AQUIFER PROTECTION PERMITS

GENERAL INFORMATION

1 Project Name and Number

Project Name _____
 File Number _____ Construction Authorization for this project was issued on: _____
 County _____
 Nearest City _____

2 Applicant

Name _____ Phone _____
 Title _____ Firm Name _____
 Mailing Address _____ City _____ State _____ Zip _____
 Email Address* _____

3 Applicant's Representative (contact person for applicant if this section is filled in)

Name _____ Phone _____
 Title _____ Firm Name _____
 Mailing Address _____ City _____ State _____ Zip _____
 Email Address* _____

4 General Permits Requested (Example Type 4.02 General Permit)

	General Permit		General Permit		General Permit		General Permit
	General Permit		General Permit		General Permit		General Permit

SPECIFIC TYPE 4.02 DISCHARGE AUTHORIZATION REQUIREMENTS (SEPTIC TANK WITH DISPOSAL BY TRENCH, BED, CHAMBER TECHNOLOGY, OR SEEPAGE PIT LESS THAN 3,000 GALLONS PER DAY DESIGN FLOW)

*Email addresses are required as all permits will be sent to the applicant via e-mail.

5 Site Plan (Check One)

- The original site plan submitted with the Notice of Intent to Discharge accurately reflects final location and configuration of the components of the treatment and disposal works.
- A revised site plan is attached showing final location and configuration of components the components of the treatment and disposal works.

Note: A change made during construction in location, configuration, dimension, depth, material, or installation procedure is allowed under A.A.C. R18-9-A301(D)(1)(e) only if the change continues to conform with the specific standard in rule used as the basis of design. Any such changes must be recorded on the site plan.

6 Septic Tank Watertightness (leave blank if not applicable)

- A) Tank manufacturer _____
- B) Was a Certificate of Conformance with Septic Tank Manufacturing Requirements supplied at time of septic tank purchase in accordance with A.A.C. R18-9-A314? Yes No
- C) Brand/Model _____
- D) Septic Tank Liquid Design Capacity _____ gallons
- E) Filed watertightness test certificate attached (see A.A.C. R18-9-A309(C)(1) and Attachment 1? Yes No

SPECIFIC TYPE 4.03 THROUGH 4.23 DISCHARGE AUTHORIZATION REQUIREMENTS

7 Construction Plans (Check One)

- The original construction plans submitted with the Notice of Intent to Discharge accurately reflect final location, configuration, and construction of components.
- As-built plans are attached correctly showing the final construction and installation of components.

8 List of Equipment and Materials (Check One)

- The original list of equipment and materials submitted with the Notice of Intent to Discharge is correct.
- A revised list of equipment and materials is attached.

9 Operation and Maintenance Plan (Check One)

- The original operation and maintenance plan submitted with the Notice of Intent to Discharge is correct.
- A revised operation and maintenance plan is attached.

10 Operation and Maintenance Certification

I certify that a service contract for ensuring that the facility is operated and maintained to meet the performance and other requirements of the applicable general permits exists for at least one year following the beginning of the operation of the on-site wastewater treatment facility, including the name of the service provider, if the on-site wastewater treatment facility is permitted under a Type 4.04, 4.08 through 4.15, 4.16 (if the facility includes a pump) or 4.18 through 4.22 general permits.
Initial Here

11 Installation Contractor Information

Name of the Installation Contractor _____
Registrar of Contractor's license number issued to the installation contractor _____

CERTIFICATION STATEMENT (FOR ALL ON-SITE WASTEWATER TREATMENT FACILITIES)

12 Certificate of Completion (completed by Applicant or Applicant's Representative as indicated in item 2 or 3 above)

I, _____, certify that information in this Request for Discharge Authorization and all attachments are, to the best of my knowledge, true, accurate and complete. I also certify that the wastewater treatment facility conforms to the design approved under the Construction Authorization for this facility in accordance with the Type 4 General Aquifer Protection Permit (A.A.C. R18-9-E302 to R18-9-E323), and applicable requirements of Arizona Revised Statutes Title 49, Chapter 2, and Arizona Administrative Code Title 18, Chapter 9 regarding aquifer protection permits. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations.

Signature _____ Applicant Applicant's Representative _____ Date _____

DEPARTMENT USE ONLY	DATE STAMP
Constructed within 2 years <input type="checkbox"/> Yes <input type="checkbox"/> No	

ATTACHMENT 1 - CERTIFICATE OF WATERTIGHTNESS OF AN INSTALLED SEPTIC TANK DETERMINED BY FIELD WATERTIGHTNESS TESTING UNDER ARIZONA ADMINISTRATIVE CODE R18-9-A309(C)(1)

1 Project Information

- A) Applicant Name _____
- B) Project Name _____
- C) File Number _____

2 Watertightness Tester

- A) Name _____
- B) Company _____
- C) Address _____

3 Septic Tank Information

- A) Manufacturer _____
- B) Brand/Model _____
- C) Design Liquid Capacity _____

4 Watertightness Test Information

Description	Date	Time
1. Start presoak with clean water		
2. Start watertightness test		
3. End watertightness test		

- Passed watertightness test without repair (no water drop over 1-hour period per A.A.C. R18-9-A314(5)(d)(ii))
- Passed watertightness test following repair

5 Certification

I have tested the installed septic tank for the above-named project in accordance with the watertightness testing requirements specified in Arizona Administrative Code R18-9-A314(5)(d) and certify that the septic tank passed the watertightness test.

Signature of Tester

Date