

TOHONO O’ODHAM UTILITY AUTHORITY  
SCHEDULE OF RULES AND REGULATIONS

SECTION II  
WATER AND SEWER SERVICE

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- I. Description Service Area  
TOUA provides water and sewer service within the geographic boundaries of the Tohono O'odham Nation Reservation, which lies within the geographic boundaries Pima, Pinal and Maricopa counties.
- II. Application and Contract for Service.
- A. Each Applicant desiring water and/or sewer service will be required to sign a standard form application/contract and, consistent with the General Service Rules, may be required to pay a service deposit before service is supplied. Applicant for service must be at least eighteen (18) years of age and provide adequate identification, such as driver's license, tribal id and/or social security card.
  - B. An Applicant seeking water and/or sewer service should submit a district resolution with wording giving TOUA permission to establish ALL utility services. If an Applicant is requesting water and/or sewer services on a land assignment that belongs to someone other than the Applicant, the Applicant must submit a notarized letter from the land assignee giving the Applicant permission to establish utility services on their land assignment.
  - C. If, for any reason, an Applicant, after signing a application/contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse TOUA for the expense incurred by reason of its endeavor to furnish such service(s).
  - D. The receipt of an Applicant's application for service shall not obligate TOUA to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of these rules and regulations, the liability of TOUA to the Applicant shall be limited to the return of any service deposit or aid of construction made by such Applicant.
  - E. In cases where an Applicant was a previous customer of TOUA and that previous account is delinquent, the Applicant's application for service will not be processed until the delinquent account is paid.
- III. Minimum Service Periods
- A. Unless otherwise specified elsewhere in this tariff, the minimum service period for all services offered in this tariff is one month beginning on and

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including the day following the establishment of service. For purposes of administration, each month is considered to have thirty (30) days.

- B. The minimum service period relates to each applicable unit of service, either on the initial or subsequent installations.
- IV. Transfer or Assignment of Service  
Service may not be transferred to or assumed by a new Customer. All prospective new Customers must execute a new service application.
- V. Office and Service Hours
- A. Regular business hours are Monday through Friday 8:00 A.M. - 4:30 P.M, excluding holidays. All work requested by the Customer due to unusual conditions or circumstances may be arranged at the Customer's expense.
  - B. Emergency service is performed 24 hours a day, seven days a week, at no cost to the Customer. Reconnect requests for non-payment disconnects are NOT considered emergencies unless the Customer has submitted a medical exemption form to the collection department.
- VI. Point of Delivery and Customer Responsibility.
- A. Water Service
    - 1. The point of delivery is where the Customer's water pipe connects to the water meter yoke. The location of the water meter and yoke will be determined by TOUA. This location will generally be at the street right-of-way or the Customer land assignment property line. The Customer shall determine the final grade or elevation of the area surrounding the water meter location. Any filling or excavating that may be required shall be completed by the Customer prior to TOUA making the water tap and setting the water meter. The cost for making any adjustments to the water meter box and other water related facilities required after TOUA has set the water meter box shall be paid for by the Customer. In all cases, the water meter shall be accessible to TOUA employees and shall not be located in roadways, driveways, drainage ditches or other unsuitable areas, as determined by TOUA.
    - 2. All piping and equipment beyond the Customer's side of the meter shall be provided and maintained by Customer at no expense to TOUA.

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B. Sewer Service

When a Customer requests a sewer tap and pays all required fees, TOUA will tap the sewer main and extend the sewer service to the edge of the street right-of-way or the Customer land assignment property line. The Customer will be responsible for the private sewer service line from the building to the TOUA sewer main. If sewer line failure occurs due to a collapsed pipe under a public street, TOUA will repair said pipe after proof has been made of the collapse.

VII. Customer's Piping Standards.

A. Water Service

1. Customer's water service piping must be a minimum of three-quarter (3/4) inch in diameter and rated at 200 psi and include a cut-off valve and pressure reducing valve, if necessary at a point which shall be installed immediately following the water meter, either inside or outside TOUA's water meter box.
2. The Customer should install a cut-off valve immediately inside or outside the building that will be readily accessible to Customer, for use when Customer has a need to shut off their water to perform plumbing maintenance and or emergency repairs.
3. Customer's service line, from the water meter to the building, must be installed at a minimum depth of twenty-four (24) inches.

B. Sewer Service

1. The minimum size of a building/premise sewer service shall be four (4) inches and the sewer service shall be constructed only of the following materials:
  - a) ductile iron pipe class 50 or above; or
  - b) polyvinyl chloride pipe schedule 40 or SDR-21 or greater. Joints shall be rubber or neoprene "o" ring compression joints or solvent welded. No other joints shall be acceptable.
2. The minimum depth of a sewer service shall be eighteen (18) inches and shall be laid on a minimum grade of 1/8 inch per foot.
3. Slope and alignment of all building/premise sewer service shall be neat and regular.
4. A cleanout shall be located five (5) feet outside of the building/premise, one as it crosses the property/land assignment line and one at each change of direction of the building/premise sewer service which is greater than forty-five (45) degrees.

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5. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed.
6. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base.
7. Cleanouts shall not be smaller than four (4) inches.

VIII. Inspections.

- A. TOUA shall have the right, but shall not be obligated, to inspect any installation before water or sewer service is introduced, or at any later reasonable time.
- B. TOUA reserves the right to refuse to provide service to any facilities not in compliance with TOUA Rules and Regulations.
- C. Any inspection, failure to inspect, or decision to provide service shall not be regarded as an assurance against defects in installation or an assurance of the quality or safety of appliances or their installation.
- D. TOUA shall not under any circumstance be liable or responsible for any loss or damage to person or property resulting from any of the following: defects in the installation, appliances or the installation thereof, Customer's or any other person's violation of TOUA's rules and regulations, or accidents which may occur upon the Customer's premises.
- E. Utility installations by any person or entity other than TOUA, and the safety of such installations, shall be the sole responsibility of the Customer.
- F. To requests an inspection please call the Water and Sewer Department at (520) 383-5831 or inspections may be requested in person at TOUA office in Sells. Inspection requests may take up to 48 hours for processing and scheduling. Scheduled inspections require the presence of the Customer or a Customer's agent over the age of 18.

IX. Use or Loss of Water on Customers Premises.

- A. The Customer will be responsible for maintaining all water facilities on the Customer's side of the meter. The Customer will be responsible for payment of all fees, charges and other assessments resulting from the water which is registered on the meter serving the Customer's premises. Billing for sewer service will be based on the water meter readings.
- B. Each water service and sewer service shall only serve one residence or business establishment.
- C. In the event of a leakage or waste of water by improper functioning of equipment beyond the point of service which results in abnormally high

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bills for water and/or sewer service, and upon proper assurance to TOUA that said leakage or wastage has been repaired or eliminated, the Customer's bill will be adjusted by an amount to be determined by averaging the bills for water and/or sewer service for six (6) months immediately prior to the beginning of said leakage, by subtracting this amount from the bill for which adjustment is desired, and adjusting said bill by one-half (1/2) of the result; provided, however, that the adjustment will be made for only one month's bill. Customers seeking an adjustment must provide a receipt where they paid a plumber to make repairs and/or receipts for the material the Customer purchased to make repairs. If a leak causes a high bill in more than one month, the month which will be adjusted will be determined by the Customer. Customer may have only one leak adjustment in any twelve (12) month period.

- D. If evidence shows that water was lost due to a leak on the Customer's side of the meter and that it did not go into the sewer lines, the sewer charge may be adjusted to the average of the previous six (6) months. Customer is limited to one leak adjustment during the preceding twelve month period.
  - E. A plumber's bill or a materials invoice may be required to receive an adjustment for leaks. Request for adjustment will be denied if records show Customer has not adequately maintained their service pipe and plumbing.
- X. **Non-Standard Service.**  
Customer shall pay the cost of any special installation necessary to meet their particular requirements beyond the general services offered by TOUA.
- XI. **Relocation of Water Service Facilities.**  
TOUA may, at the request of Customer, relocate or change existing TOUA-owned equipment. Customer shall reimburse TOUA for such changes at actual cost including related overhead.
- XII. **Temporary Service Charge.**  
A. A Customer who desires temporary service or construction water shall pay a non-refundable charge equal to the cost of supplying the necessary facilities and service plus the cost of removal less salvage value of the facilities, as estimated by TOUA. The minimum non-refundable charge shall not be less than the Temporary Service Charge as provided in any Schedule of Rates adopted pursuant to General Service Rules, Section XVII – Schedule of Rates and Fees of the Rules and Regulations for Service.

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- B. In addition to the Temporary Service Charge, the Customer will be billed for the actual metered water consumption at the appropriate tariffed rate.
  - C. This rule will apply to carnivals, fairs, dance celebrations or other similar activities and temporary construction.
- XIII. Misuse of Water.  
Use of water from sprinkler connections and unmetered fire hydrants or flushing hydrants, for any purpose other than emergency firefighting, is strictly forbidden without permission of TOUA. Violation of this rule will subject the Customer to possible discontinuance of service and/or other remedies.
- XIV. Exclusive Provider of Services  
All purchased water services (other than Emergency or Standby) used on the premises of Customer shall be supplied exclusively by TOUA.
- XV. Resale of Water Services.  
Customer shall not, directly or indirectly, sell, sublet, assign or otherwise dispose of any water service or any part thereof without the written approval of TOUA.
- XVI. Pressure Fluctuations Caused By Customer.  
Customer shall operate its water service and facilities as not to cause unusual fluctuations or disturbances on TOUA's distribution system. Upon request by TOUA, Customer agrees to install and maintain, devices approved by TOUA to correct unusual fluctuations or disturbances on TOUA's distribution system. If Customer fails to implement corrective action after reasonable notice, TOUA may make changes to its distribution system necessary to prevent unusual fluctuations caused by the Customer and such changes will be made at the Customer's expense.
- XVII. Damages to Property Due to Water Pressure.  
The TOUA shall not be liable to any Customer for damages caused to his/her plumbing or property by high pressure, low pressure, or fluctuations in pressure in the TOUA's water mains.
- XVIII. Additional Load.  
The service line, meters and equipment used by TOUA to meet Customer's water requirements have definite capacity limitations. No additional demand may be connected thereto without the consent of TOUA. Failure to give notice of additional or changes in demand, and to obtain TOUA consent for same, shall render Customer liable for any resulting loss, claim, or expense; including, but not

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limited to: damage to any of TOUA's mains or equipment caused by the additional demand or changed installation.

- XIX. Meter Test.  
TOUA will at its expense make periodic tests of the accuracy of its meters. TOUA will also test its meters at the Customer's request. If test made at the Customer's request prove the meter to be accurate within two percent (2%) fast or slow, no adjustment will be made in the Customer's bill and a testing charge will be paid by the Customer. Should the test show the meter to be more than two percent (2%) fast or slow, Customer's bill shall be adjusted back to the point that the error can reasonably be determined to have occurred, but in no case more than twelve (12) months, and no meter test charge shall be assessed.
- XX. Provisions of Utility Alignment
- A. TOUA's obligation to provide service through line extensions is solely dependent upon TOUA's ability to secure, retain and maintain suitable utility alignments or other land-use authorizations without unreasonable expense. When TOUA cannot reasonably obtain required utility alignments or other required land-use authorizations, Applicants shall be required to provide with any application, without expense to the TOUA, any necessary private right-of-way/utility alignment or other needed land use authorizations.
  - B. Any and all required private right-of-way/utility alignment, service line agreement, encroachment permit, or any other land-use authorization, and any and all associated costs, will be the responsibility of the Applicant and must be furnished before the Applicant is approved to receive services and a plant extension project begins.
- XXI. Water Main and Sewer Collection Main Extensions.
- A. TOUA works with Indian Health Service (IHS) to secure funding to support the construction of water and sewer projects and/or to upgrade and extend water and sewer service when such projects meet IHS and/or other federal funding agency requirements. Such funding assistance gets classified as contributions in aid of construction, reducing TOUA's need to secure debt financing for such extension(s). This type of funding assistance is normally for large upgrade or extension projects. In some cases IHS funding assistance may be available and will apply to the water and/or sewer collection extension requirements defined in this section.



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- B. Water and/or sewer main extensions referred to in this section shall mean either: a continuation of or an extension to an existing water distribution main or sewer collection main which is owned and operated by TOUA. TOUA will not extend its distribution line(s) unless the Applicant fulfills the following requirements and obtains approval for any and all required Utility Alignment(s) and/or other required land-use authorizations from the Nation's Realty Office and/or any other appropriate authority.
- C. The following applies to water and/or sewer main extensions and services facilities operated by TOUA
1. General Provisions
    - a) A Permanent Residence must be continually occupied and have sufficient monthly meter readings as to indicate permanent occupancy.
    - b) The maximum length that the TOUA will extend water facilities to serve a new Permanent Residence is 1,000 feet, which is the combination of the length of the distribution line extension and service line to the residence. The length of the service line cannot exceed 500 feet.
    - c) Sewer main extensions will be evaluated by IHS based on technical feasibility and cost, in consultation with TOUA.
    - d) Applicants requesting service at a Permanent Residence must sign an application for water and/or sewer service where technically feasible, as determined by TOUA and IHS.
    - e) Approve and execute, as necessary, any land-use authorization required to provide service at the Permanent Residence. Such land-use authorizations may include a Service Line Agreement with TOUA, in accordance with Bureau of Indian Affairs (BIA) requirements.
    - f) Submit a District Resolution giving TOUA the authority to establish ALL UTILITIES within the land assignment and/or a notarized letter from the land assignee giving his/her permission to establish new utility services on the land assignment.
    - g) Submit a Service line agreement approved by the Community/District in which the service will be established.
    - h) If necessary, secure utility alignments from all other property owners or land assignment owners over which the

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distribution or service line will cross to reach the point of delivery. All initial clearing will be the responsibility of the Applicant and will be cleared in accordance with TOUA's specifications.

- i) All payments in aid of construction required from Applicant shall be made in advance of commencement of any construction of water distribution, sewer collection mains and water and/or sewer service lines.
  - j) New water and/or sewer service WILL NOT be extended to permanent structures located under power lines or located over water, sewer or telephone lines (each individually an "existing facility"). If Applicant requests for any existing facility to be relocated, and if it is determined by TOUA to be feasible without damage to the integrity or the ability to efficiently operate the existing facility, TOUA will invoice and the Applicant must pay in advance the full cost of such relocation, including cost for any required alterations to existing utility alignments.
  - k) All extensions shall be installed either by TOUA or by other installers working directly under the supervision of TOUA in accordance with plans and specifications that comply with TOUA's requirements. Upon completion of such extensions and their approval by TOUA, such water main and sewer collection main extensions shall become the property of TOUA.
2. Service requested by qualified Applicants will be considered to fall under one of the following classifications:
- a) Permanent Residence (Should Applicant's request for service, at the time of application, prove not to be for a Permanent Resident, to the satisfaction of the TOUA, then the Applicant will be considered a Non-Permanent Resident)
  - b) Mobile Home
  - c) Non-Permanent Residence
  - d) Commercial and Industrial
  - e) Subdivision or Commercial Development

D. Permanent Residence

A Permanent Residence must be continually occupied and have sufficient monthly meter readings as to indicate permanent occupancy.

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1. Mobile Homes

A Mobile Home will be considered a Permanent Resident when:

- a) Applicant personally occupies the mobile home.
- b) Applicant has been granted a land assignment for the land on which the mobile home is located and provides TOUA with a district resolution for the land assignment.
- c) The mobile home is on a permanent foundation with the wheels removed.

If all of the above requirements are met, the mobile home will be considered a Permanent Residence. Otherwise, the mobile home will be considered a Non-Permanent Residence.

E. The following are the requirements for main extensions for each classification. TOUA will not start work on providing service until all of the following requirements, for the type of service being requested.

1. Residential Non-Permanent Residence

- a) Comply with the General Provisions.
- b) Applicants desiring service to a Non-Permanent Residence (e.g., recreational vehicle, travel trailer, etc.) will pay all the construction cost for extending the distribution system and /or sewer system.. This charge is to be considered as a contribution in aid of construction. Upon completion of such extensions and their approval by TOUA, such water main and/or sewer collection main extensions shall become the property of TOUA.
- c) TOUA will not start construction on the water main and/or sewer collection main extension until the Applicant has caused his/her premise to be plumbed adequately for service.
- d) If Customer is not going to connect to TOUA's sewer system, the Customer must provide proof, to TOUA's satisfaction, that they will be connected to an approved septic system prior to TOUA providing water service.

2. Residential Permanent Residence

- a) Comply with the General Provisions.
- b) Applicants are encouraged to apply for assistance from IHS to fund the construction of the requested water main and/or sewer collection main extension.
- c) Applicants that decline to apply or do not qualify for assistance from IHS will pay all construction costs for the extension. This charge is to be considered as contribution in

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aid of construction. Upon completion of such extensions and approval by TOUA, such water distribution main and/or sewer collection main extensions shall become the property of TOUA.

- d) Should any new Applicant(s) request, within five (5) years of initial construction, to be connected to a water distribution or sewer collection main extensions constructed with contribution in aid of construction funds, the new Applicant(s) will be required to pay their prorated share of the original contribution in aid of construction that funded the extension construction.
  - e) Any prorated shares of the contribution in aid of construction paid by any new Applicant(s) will be refunded to the individual who originally paid the contribution in aid of construction for the construction of the extension.
  - f) TOUA will not start construction on the water main and/or sewer collection main extension until the Applicant has caused his/her premise to be plumbed adequately for service. In the case where the Customer will not be connecting to TOUA's sewer facilities, the Customer must provide proof, to TOUA's satisfaction, that they will be connected to an approved septic system prior to TOUA's extension of water facilities.
3. Commercial and Industrial
- a) Comply with the General Provisions.
  - b) All applications for commercial and industrial service shall be reviewed by TOUA management and the amount of the contribution in aid of construction, minimum bills(s), term of contract, and amount of deposit shall be determined by TOUA management within a reasonable time after the receipt of a complete application and supporting documents. The Applicant will be notified in writing as to the amount of the contribution in aid of construction, minimum bills(s), term of contract, and amount of deposit.
4. Subdivision or Commercial Development
- a) Comply with the General Provisions.
  - b) Developer(s) desiring water distribution or sewer collection mains extensions shall pay all of the cost of making such extensions, including the preparation of plans and specifications prepared by an engineer registered with the

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- State of Arizona, in accordance with TOUA's requirements. In addition the developer shall pay the per-lot Development Fee as shown in Section XII – Schedule of Rates and Fees of the Rules and Regulations for Service.
- c) The developer shall also provide all easements/utility alignment or other land-use assignments required or necessary for the subdivision or development and for any extension of existing water distribution or sewer collection mains required for TOUA to be able to serve the development. All easements/utility alignments shall be taken in the name of TOUA or transferred to TOUA upon completion of construction of the water and sewer construction and acceptance by TOUA.
  - d) The developer(s) shall have all required approvals from the District and Tribal agencies and must pay the estimated cost of construction before construction on the water distribution or sewer collection mains extensions commences. All such extensions shall be installed either by TOUA forces or by other forces working directly under the supervision of TOUA in accordance with approved plans and specifications. Upon completion of such extensions and their approval by TOUA, such water distribution or sewer collection mains extensions shall become the property of TOUA.

The authority to make water distribution or sewer collection mains extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring TOUA to make such extensions or to furnish service to any person or persons.

TOUA may at its option extend its distribution facilities for service to an Applicant or group of Applicants, exceeding 1,000 feet per Applicant if after study such extension appears feasible and beneficial to TOUA.

XXII. Water Connection and Charges.

- A. Customers shall pay the appropriate water connection charges as shown in Section XII – Schedule of Rates and Fees of the Rules and Regulations for Service.
- B. When a service line is completed, TOUA shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line

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shall belong to the TOUA. The remaining portion of the service line beyond the meter box (or land assignment property line, in the case of sewers) shall belong to and be the responsibility of the Customer.

XXIII. Connections for Fire Protection.

- A. Connections to the TOUA water system for the purpose of providing fire protection shall be made by the TOUA. The Customer shall pay TOUA the total cost of materials, labor and overhead to provide the connection at the Customer's property line.
- B. The estimated cost of making the connection shall be paid prior to the connection being made. After the actual cost of the connection is determined, the Customer shall be refunded any over-payment they may have made or shall be billed for any under-payment.

XXIV. Water Hydrant and Sprinkler Charges.

- A. A rental charge, per hydrant, will be collected from all Customers having hydrants located on their assigned land, where hydrants are used exclusively for fire protection for said property. Water shall not be used from these hydrants for any purpose other than fire protection.
- B. Each Customer having a sprinkler system shall be required to pay a fire protection fee as shown in Section XII – Schedule of Rates and Fees of the Rules and Regulations for Service. Failure to pay the fire protection charge or use of water for any purpose other than fire protection shall result in water service to the fire protection system being discontinued.

XXV. Abandonment of Water and Sewer Services

- A. Where Customers, Land Assignees, Districts, or the Nation, desires to no longer use an existing water and or sewer the service(s) they must be abandoned in accordance with TOUA's requirements and abandonment specifications.
- B. The Customer, Land Assignee, District, or the Nation, is required to notify TOUA of intent to abandon the service(s). TOUA will perform a site visit to determine the specific location on the service(s) where the Customer, Land Assignee, District, or the Nation, is to cut and cap the service(s). TOUA will provide the Customer, Land Assignee, District or the Nation with a copy of TOUA's abandonment specifications, to perform the work by.
- C. Once the Customer, Land Assignee, District, or the Nation, has completed the service(s) abandonment, in accordance with TOUA's specifications, they are to contact TOUA for an inspection prior to covering the abandoned service pipe.

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- D. Customer, Land Assignee, District or the Nation that fail to follow these service abandonment requirements will be liable to reimburse TOUA the cost of properly abandoning the service(s).