RESOLUTION NO. 2824

A RESOLUTION OF THE CITY OF SELAH, WASHINGTON, PERTAINING TO SEWER RATES

WHEREAS, Chapter 9.10.060 of the Selah Municipal Code provides that rates for Sewer Utility services be set by resolution of the City Council from time to time; and,

WHEREAS, the City Council has determined that a revision in the Sewer Rate structure is appropriate;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, as follows:

1. RESIDENTIAL RATES

A. Single-family dwellings and multi-family units of four units or less shall be charged a rate of forty-seven dollars and thirty-three cents ($47.33) per month, provided water or sewer service is requested and connection has been made.

B. Multi-residential dwellings consisting of more than four units on one parcel of land, including, but not limited to, multiplexes, apartments and multi-unit residential complexes, served collectively or independently, shall be charged thirty-three dollars and twelve cents ($33.12) per unit per month without consideration to occupancy status.

C. Multi-family dwellings, including guest and sleeping rooms, shall be charged forty-seven dollars and thirty-three ($47.33) per unit of family capacity, per month, without consideration to occupancy status. Family capacity is based on the number of beds, where three beds are considered equal to one unit of family capacity.

D. Multi-residential developments, including manufactured housing parks, condominium and townhouse developments, and residential development complexes served collectively or independently, shall be charged forty-seven dollars and thirty-three cents ($47.33) per unit, or space, per month without consideration to occupancy status.

E. Low-Income Senior Citizens and Low-Income Disabled Persons Occupant Rate.

(1) Single-family dwellings shall be charged a rate of twenty-eight dollars and forty cents ($28.40) per month, per dwelling, regardless of occupancy, provided water or sewer service is requested and connection has been made.

(2) A senior citizen is a person who occupies a dwelling unit where either the person or the person's spouse is sixty-two years of age or older at the commencement of any month.

(3) A low-income senior citizen shall be a senior citizen whose income, combined with the income of the spouse, if any, for the calendar year preceding was fifteen thousand dollars ($15,000.00) or less.

(4) A disabled person is a person who occupies a dwelling unit and qualifies for special parking privileges under RCW 46.16.381(1)(a) through (f) or a blind person as defined in RCW 74.18.020(4) or developmentally disabled as defined in RCW 71A.10.020(2) or a mentally ill person as defined in RCW 71.05.020(1).

(5) A low-income disabled person shall be a disabled person whose income, combined with the income of the spouse, if any, for the calendar year preceding was fifteen thousand dollars ($15,000) or less.

(6) Combined income shall be income from all sources, provided that only two-thirds (2/3) of any social security benefits, two-thirds (2/3) of any retirement pension, two-thirds (2/3) of disability benefits, and the full amount of any other income shall be considered as income for the purpose of this section, and provided further, that the gain realized by any person from the sale, transfer, or upon being displaced from, his or her residence shall not be considered as income for the purposes of this section, if reinvested in a replacement residence within eighteen (18) months of its realization.

(7) Determination of eligibility shall be made by the City Clerk-Treasurer based upon the annual statement of the low-income senior citizen or low-income disabled person, or any other reasonable and verifiable means at the discretion of the Clerk-Treasurer.

F. Outside utility residential user accounts shall pay one hundred fifty percent (150%) of the applicable sewer service rates charged to all City residents.

2. COMMERCIAL/BUSINESS RATES

A. Commercial/business accounts shall be charged based on the volume and strength of wastewater discharged into the City sewage system. Volume shall be determined through metered water consumption. The strength of wastewater will be determined based on the type of commercial/business activity. For commercial/businesses not listed in the categories below, the Public Works Director shall determine which category is most closely related to the commercial/business account.

B. Category A – This category applies to those commercial and business establishments maintaining only restroom facilities for employees and the public, and for hotels and motels without a restaurant that discharges to the same service line. These establishments generally discharge wastewater with a strength of 200 mg/l BOD and 200 mg/l TSS. The domestic sewer charge shall be based upon metered water consumption, and shall be two dollars and forty-eight cents ($2.48) per one hundred cubic feet, but not less than forty-three dollars ($43.00) per establishment, per month.

C. Category B – This category applies to those commercial and business establishments such as convenience stores, sandwich shops, coffee shops, hotels and motels with a

restaurant, and assisted living facilities. These establishments generally discharge wastewater with a strength of 400 mg/l BOD and 400 mg/l TSS. The domestic sewer charge shall be based upon metered water consumption, and shall be four dollars and forty-one cents ($4.41) per one hundred cubic feet, but not less than fifty dollars and eighteen cents ($50.18) per establishment, per month.

D. Category C – This category applies to those commercial and business establishments such as restaurants, pizza shops, bakeries, fast food/drive-in restaurants, and supermarkets. These establishments generally discharge wastewater with a strength of 800 mg/l BOD and 800 mg/l TSS. The domestic sewer charge shall be based upon metered water consumption, and shall be seven dollars and seventy-four cents ($7.74) per one hundred cubic feet, but not less than fifty dollars and eighteen cents ($50.18) per establishment, per month.

E. Where multiple commercial and business establishments are tenants in a single building and are served by a common water meter, and have a single account with the City, domestic waste charges shall be based upon metered water consumption, and shall be at the rate determined by the City for the highest BOD and TSS values of the users discharging to the sewer, but not less than forty-three dollars ($43.00) per establishment, per month. If commercial and business establishments are served by separate water meters, then each establishment shall be charged at the appropriate rate specified within this section, but not less than forty-three dollars ($43.00) per meter, per month.

F. Where multiple commercial and business establishments are tenants in a single building and are served by a common water meter, and each establishment has a separate account with the City, domestic waste charges shall be based upon metered water consumption at the rate determined by the City for the highest BOD and TSS values of the users discharging to the sewer, but not less than forty-three dollars ($43.00) per establishment, per month. Billing amounts in excess of the minimum shall be distributed equally between the establishments connected to the meter.

G. Where residential and commercial uses are jointly served by a common water meter, each residential dwelling unit shall be charged forty-seven dollars and thirty-three cents ($47.33), per unit, per month, and be allotted three hundred cubic feet of water per month per residential dwelling unit. Each business establishment shall be charged a minimum of forty-three dollars ($43.00) per unit, per month. Water metered in excess of three hundred cubic feet per residential unit shall be considered commercial consumption, and the appropriate commercial rate described above as determined by the City shall be applied.

H. Commercial/business users who lose water through evaporation, irrigation, or in the product, may request a reduction in their monthly sewer charge only if the difference between water consumed and wastewater discharged to the City is documented through the use of water meters. In such a situation, the monthly sewer charges will be based upon the volume of wastewater discharged to the City at the appropriate rate specified within this section.

I. Outside utility commercial/business sewer accounts shall pay one hundred fifty percent (150%) of the applicable sewer service rates charged to City commercial/business users.

3. GOVERNMENT RATES

A. Unless otherwise noted below, governmental sewer accounts shall be charged at Commercial/Business Rates as described in Section 2. The Public Works Director shall determine which category of Commercial/Business rates shall apply to the governmental sewer account.

B. Schools – Schools shall be charged for sewer service based upon metered water consumption at the rate of seven dollars ($7.00) per one hundred cubic feet, but not less than two-hundred fifty dollars and eighty-seven cents ($250.87) per month per metered account.

C. Yakima Valley School – Yakima Valley School shall be charged for sewer service based upon metered water consumption at the rate of eight dollars and twenty-two cents ($8.22) per one hundred cubic feet, but not less than eight-hundred thirty-eight dollars and sixty-three cents ($838.63) per month. Residential dwelling units associated with the Yakima Valley School and served by separate water meters shall be charged for sewer service at the residential rate set forth in Section 1.

D. Outside utility governmental user accounts shall pay one hundred fifty percent (150%) of the applicable sewer service rates charged to City government users.

4. INDUSTRIAL RATES

Industrial users of City wastewater facilities shall be evaluated and determined by the City as to whether monitoring stations on wastewater discharges will be required. If monitoring stations are required by the City, the City shall designate when, where, and how many stations shall be placed. City-approved monitoring stations shall be installed and maintained continuously in satisfactory and effective operation by, and at the expense of, the industrial user, at the direction of the City.

A. General Industrial User Conditions

The following conditions apply to all industrial users discharging to the City wastewater facilities:

(1) There shall be no unmetered sources of water contributing wastewater to the City sewage works without the knowledge and prior written approval of the City.

(2) The City reserves the right to test, monitor, and control any wastewater discharged to any City facility at any time, including the right set forth in Selah Code Section 9.10.072.

(3) The discharges of industrial users may be restricted to a capacity allocated in an industrial discharge contract with the City, or a State or NPDES Waste Discharge Permit issued to the user by the Washington Department of Ecology, whichever results in the smaller capacity. In the event the discharge from an industrial user exceeds that allocated, then a rate surcharge shall be assessed. Such a surcharge shall only be assessed when the discharge exceeds that allocated to the industrial user on an average monthly basis for any of the three components that comprise the rate determination (flow, BOD, and TSS). The surcharge shall only be applied to that portion of the component that is in excess of the industrial user's allocation, and shall be equal to one hundred twenty-five percent (125%) of the rate for that component. For example, if an industrial user's discharge is within the allocated limits for flow and BOD, but exceeds the TSS allocated limit by 100 pounds per day on an average monthly basis, then that excess 100 pounds per day times the number of days in the month shall be charged a rate equal to 125% of the per pound TSS rate.

(4) Industrial users who lose water through evaporation, irrigation, or in the product, may request a reduction in their monthly sewer charge only if the difference between water consumed and wastewater discharged to the City is documented using water meters. In such a situation, the monthly sewer charges will be based upon the volume of wastewater discharged to City wastewater facilities at the appropriate rate specified within this section.

(5) The pH of discharges from all industrial users discharging liquids into the public sewers other than the industrial pretreatment system shall not be lower than 6.0 nor greater than 9.0 as determined by monitoring station results. Any discharge of waste outside this range shall be subject to a penalty of one hundred sixty-eight dollars and twenty-six cents ($168.26) per day. For the purposes of this monetary penalty, each day's discharge shall be considered a separate event.

(6) In the event characteristics of the wastewater as determined by the monitoring station results are not available due to an equipment malfunction, failed laboratory test, or other unforeseen circumstance, then the quantities of flow, BOD, and TSS shall be determined as follows:

a. The quantity of wastewater flow shall be based on one of the following methods as determined by the City to be effective and representative for the month when data or results are not available:

i. The wastewater flow shall be equal to the flow for the same month in the previous year times the average flow for the previous twelve (12) months divided by the average flow for

the twelve (12) month period preceding the month used from the previous year. For example, if the quantity of flow is not available in October 2017, then the flow would be calculated as follows:

$$\text{October 2017 flow} = \frac{\text{(October 2016 flow) x (Average daily flow Oct 2016 through Sept 2017)}}{\text{(Average daily flow Oct 2015 through Sept 2016)}}$$

ii. The wastewater flow shall be equal to the total water flow into the user, as determined by water meter readings for the user, times a conversion factor determined by dividing the wastewater flows for the previous twelve (12) months by the water meter readings for the previous twelve (12) months. For example, if the quantity of flow is not available in October 2017, then the flow would be calculated as follows:

$$\text{October 2017 flow} = \frac{\text{(October 2017 water flow) x (Oct 2016 through Sept 2017 wastewater flow)}}{\text{(Oct 2016 through Sept 2017 water flow)}}$$

iii. The wastewater flow shall be equal to the total water flow into the user, as determined by water meter readings for the user, times a conversion factor determined by the City performing a quantitative water balance through the users process to develop a relationship between water consumption and wastewater discharge.

iv. The wastewater flow shall be determined by any other method deemed acceptable to the City.

b. The quantity of BOD shall be based on one of the following methods as determined by the City to be effective and representative for the month when data or results are not available:

i. The BOD concentration shall be equal to the BOD concentration for the same month in the previous year times the average BOD concentration for the previous twelve (12) months divided by the average BOD concentration for the twelve (12) month period preceding the month used from the previous year. For example, if the BOD concentration is not available in October 2017, then the BOD concentration would be calculated as follows:

$$\text{October 2017 BOD} = \frac{\text{(October 2016 BOD) x (Average BOD concentration Oct 2016 through Sept 2017)}}{\text{(Average BOD concentration Oct 2015 through Sept 2016)}}$$

ii. The BOD concentration shall be equal to the BOD concentration for the previous month.

iii. The BOD concentration shall be determined by any other method deemed acceptable to the City.

c. The quantity of TSS shall be based on one of the following methods as determined by the City to be effective and representative for the month when data or results are not available:

i. The TSS concentration (conc.) shall be equal to the TSS concentration for the same month in the previous year times the average TSS concentration for the previous twelve (12) months divided by the average TSS concentration for the twelve (12) month period preceding the month used from the previous year. For example, if the TSS concentration is not available in October 2017, then the TSS concentration would be calculated as follows:

$$\text{October 2017 TSS} = \frac{\text{(October 2016 TSS) x (Average TSS concentration Oct 2016 through Sept 2017)}}{\text{(Average TSS concentration Oct 2015 through Sept 2016)}}$$

ii. The TSS concentration shall be equal to the TSS concentration for the previous month.

iii. The TSS concentration shall be determined by any other method deemed acceptable to the City.

(7) The City shall charge monetary penalties for any discharge from an industrial user that meets the criteria of an excessive industrial discharge as defined in Selah Code section 9.10.010. For the purposes of charging monetary penalties, each day's discharge and each component (flow, BOD, and TSS) shall be considered a separate event. Monetary penalties shall include, but not necessarily be limited to, the following:

a. All costs associated with providing treatment to the industrial slug discharge.

b. All costs associated with repair of equipment damaged by, or associated with, providing treatment to the industrial slug discharge.

c. All costs associated with NPDES permit violations, federal or state government orders resulting from NPDES permit violations, penalties imposed by the federal or state government upon the City for NPDES permit violations, and all costs associated with any citizens lawsuit filed against the City for NPDES permit violations.

d. Industrial slug discharges lasting five (5) or more consecutive days shall be subject to the surcharge provisions of Section 4.A.(3) of this Resolution whether or not the industrial user's maximum monthly allocated capacity is exceeded.

(8) Outside utility industrial users shall pay one hundred fifty percent (150%) of the applicable sewer service rates charged to City industrial users.

B. Industrial Users Not Required to Have Monitoring Stations

(1) Industrial users not required to have metering and monitoring stations shall be charged at Commercial/Business Rates as described in Section 2. The Public Works Director shall determine which category of Commercial/Business rates shall apply to the industrial user.

C. Industrial Users Required to Have Monitoring Stations

(1) The minimum monthly charge to an industrial account in this category shall be four-hundred thirty-eight dollars and one cent ($438.01) per month, per industry.

(2) Industrial users required to install City-approved monitoring stations on their discharges to the City, but not required to connect to the City pretreatment facility, shall be charged for sewer service based upon the volume, strength, and characteristics of the wastewater as determined by the monitoring station results at the following rates:

Component	Symbol	Rate
Hydraulic (flow)	Q	$0.7465 per 100 cu.ft.
Biochemical oxygen demand	BOD	$0.3275 per pound
Total suspended solids	TSS	$0.5759 per pound

D. Industrial Users Required to Connect to the City Pretreatment Facility

(1) The minimum monthly charge to an industrial account in this category shall be seven-hundred thirty dollars and six cents ($730.06) per month, per monitoring station, per industry.

(2) The industrial pretreatment facility is recognized as having a finite capacity to treat wastewater. The following capacities and limitations have been established:

Component	Units	Capacity	Occurrence
Hydraulic (flow)	MGD	0.40	Max. Monthly Flow
BOD	lbs/day	4,000	Max. Monthly BOD Loading
TSS	lbs/day	1,500	Max. Monthly TSS Loading

(3) In the event of multiple users of the pretreatment facility, the City shall allocate a respective share of the capacity of each component to each of the users.

(4) Industrial users required to connect to the City pretreatment facility shall install City-approved monitoring stations at their expense on their wastewater

discharge lines to monitor the volume, strength, and characteristics of their wastewater discharges into the pretreatment facility. Charges for sewer service shall be based upon the volume, strength, and characteristics of the wastewater discharged to the pretreatment facility as determined by monitoring station results at the following rates:

Component	Symbol	Rate
Hydraulic (flow)	Q	$0.7465 per 100 cu.ft.
Biochemical oxygen demand	BOD	$0.3275 per pound
Total suspended solids	TSS	$0.5759 per pound

(5) The pH of discharges from all industrial users discharging liquids into the industrial pretreatment system shall not be lower than 5.0 nor greater than 11.0 as determined by monitoring station results. Any discharge of waste outside this range shall be subject to a penalty of one hundred sixty-eight dollars and twenty-six cents ($168.26) per day. For the purposes of this monetary penalty, each day's discharge shall be considered a separate event.

BE IT FURTHER RESOLVED that the rates set forth herein shall be effective commencing on January 1, 2021.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 8th day of December 2020.

Sherry Raymond

Sherry Raymond, Mayor

ATTEST:

Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:

Rob Case, City Attorney

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