

# CLEAN WATER SERVICES RATES AND CHARGES

**Resolution and Order No. 19-11**

Fiscal Year

July 1, 2019 – June 30, 2020

**CLEAN WATER SERVICES  
RATES AND CHARGES RESOLUTION AND ORDER  
FISCAL YEAR 2019-2020  
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## **I. DEFINITIONS**

For additional definitions, see Clean Water Services (hereinafter the District or District) Ordinances 27 through 41. The following words shall have the following definitions in this Resolution and Order, unless the context states otherwise.

### **1.1 Ad Valorem Taxes**

Taxes based on the value of property as provided in Oregon Revised Statutes.

### **1.2 Applicant**

The person making application for a permit relating to the sewer or storm and surface water system, who may or may not be the owner of the premises to be served.

### **1.3 Base Portion**

Under the consumption Based Sanitary Sewer Rate methodology, the portion of the sanitary sewer charge attributed to fixed costs that do not change with variations in volume of wastewater flow. This currently represents 65 percent of system costs.

### **1.4 Billing Period**

A regular period of time for which service charges are imposed and billed.

### **1.5 Biochemical Oxygen Demand (BOD)**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20C, expressed in milligrams per liter.

### **1.6 Bonded Debt**

Long term debt owed by the District and repaid through fees and charges, or special assessments (Revenue Bonds); property taxes (General Obligation Bonds).

### **1.7 Building**

Any structure used for human habitation, employment or place of business, recreation or other purpose, and containing sanitary facilities.

### **1.8 Chemical Oxygen Demand (COD)**

A measure of the organic matter content in wastewater and is the oxygen equivalent of the organic matter that can be oxidized under standard laboratory procedure using a strong chemical oxidizing agent in an acidic medium.

**1.9 Co-implementers**

Washington County, and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, North Plains, Sherwood, Tigard, and Tualatin.

**1.10 Commercial Establishment**

Any structure used other than as a dwelling.

**1.11 Connection Charge (Sanitary Sewer and Surface Water Management)**

A term often used interchangeably with System Development Charge (SDC) and having the same meaning.

**1.12 Connection Permit**

The permit issued by the District authorizing physical connection to the sanitary sewer or surface water management system, or authorizing activities which may increase the flow to such systems, alter the character of storm or surface water, or which may alter or impact a water quality sensitive area or associated vegetated corridor.

**1.13 Consumption Based Rate Method**

A rate method for the sanitary sewer user charge in which a portion of the service charge is based on the amount of usage of the sewer system, normally estimated through the use of water meter data, and a portion based on Dwelling Units or Dwelling Unit Equivalents.

**1.14 Contracted Services**

A rate of reimbursement for services performed expressed as a rate per hour including the individual’s salary and benefits.

**1.15 Customer**

Shall have the same meaning as “User.”

**1.16 Developing Party**

The person, private, or public entity that funds construction of any sanitary sewer or storm and surface water improvement project which has been determined by the District to meet all criteria for reimbursement through formation of a Reimbursement District as set out in Ordinance 41 or revisions thereto.

**1.17 District Wide Component of Service Charge and System Development Charge (Sanitary Sewer and Surface Water Management)**

The portion of the service charge (monthly) and system development charge that is used by District to perform functions for the benefit of its entire service area.

**1.18 Dwelling Unit (DU)**

A separate residential unit with kitchen, bed and bathroom facilities including those in multiple dwellings, apartments, motels, hotels, mobile homes or trailers. Where allowed by zoning regulations, a dwelling unit shall also include an ancillary dwelling unit located on the same lot.

**1.19 Dwelling Unit Equivalent; Equivalent Dwelling Unit (DUE or EDU)**

A nonresidential unit which is deemed equivalent to a dwelling unit as provided herein or as provided in the State Plumbing Code. The abbreviations DU, DUE, and EDU are used interchangeable in this Resolution and Order.

**1.20 Easement Vacation (Release) and Consent to Release**

A process whereby the District gives up its legal interest in occupancy of all or a portion of an easement granted to the District and grants or releases the property right to a property owner, or gives consent to an easement vacation by others.

**1.21 Encroachment Agreement**

An agreement between the District and landowner allowing for the encroachment of a permanent structure within a sanitary sewer or storm and surface water easement.

**1.22 Equivalent Service Unit (ESU)**

A measurement unit based on the impervious surface area of an average improved single dwelling lot or parcel, determined by a statistically significant sampling of such parcels. One equivalent service unit shall be deemed to be 2,640 square feet of impervious surface.

**1.23 Fiscal Year**

The period from 12:01 a.m. July 1 to midnight the following June 30.

**1.24 Fixture Unit (FU)**

A unit of measurement assigned to plumbing facilities within a commercial establishment to estimate the potential use of the sewer system from that facility. Fixture unit load values for sanitary sewer drainage piping are as specified on Section II.D.4, Table 2.A, or if not included herein as specified in the (Oregon State Plumbing Laws and Administrative Rules).

**1.25 Full Service City**

An incorporated city within the boundaries of the District, that by agreement performs all or a major portion of the local component of sanitary sewer and/or surface water management program elements.

**1.26 Impervious Surface Area**

All land area that has been altered from its natural state such that it does not allow the infiltration and retention of water equivalent to that of undisturbed soil. This shall include, but

is not limited to: pavement, buildings, decks, parking areas, and roadways. For the purpose of determining system development charges, impervious surface shall not include improved public streets, roads, sidewalks and bike paths or other facilities deemed to be a part of the public surface water management conveyance system. Railroad beds, or quarry excavation areas, and temporary service roads in the excavation areas shall constitute non-impervious surfaces and shall also be excluded. Additional provisions and exclusions apply for purposes of system development charges. (As referenced in Ordinance 28 and Section II.H.3)

**1.27 Industrial User**

Shall have the meaning set forth in the District's Industrial Sewer Rules and Regulations, Resolution and Order No. 09-1 (hereinafter R&O 09-1), and in 40 Code of Federal Regulations, Section 403.3(j).

**1.28 Liquid Waste**

Domestic septage waste or chemical toilet waste delivered by a liquid waste hauler to District facility for treatment.

**1.29 Local Component of Service Charge and System Development Charge (Sanitary Sewer and Surface Water Management)**

The portion of the service charge (monthly) and system development charge used to support the portions of the work program that are available to the full service cities and District to perform the local functions of the sanitary sewer and surface water management systems.

**1.30 Main Sewer**

A public sewer designed to accommodate more than one building sewer.

**1.31 Master Meter**

A water meter serving more than one tax lot, or more than one service within a single tax lot.

**1.32 Operation and Maintenance (O&M)**

Those activities required to assure the dependable and economical function of the sanitary sewerage and storm and surface water systems, including treatment works.

Maintenance is the preservation of functional integrity and efficiency of equipment and structures, including that of natural features which perform a function in the surface water management system. This includes preventive maintenance, corrective maintenance and replacement of equipment.

Operation is the control of the unit processes and equipment which make up the treatment works. This includes, but is not limited to, financial and personnel management; records, laboratory control, process control, safety and emergency operation planning.



### **1.33 Regular Business Hours**

Those hours that the District's main office is open for business.

### **1.34 Replacement**

The act of obtaining and installing facilities, equipment, accessories, or appurtenances which are necessary during the design or useful life, whichever is longer, of the sanitary, storm and surface water systems, including treatment works to maintain the capacity and performance for which such works were designed and constructed.

### **1.35 Sanitary Sewer System**

All publicly owned treatment works, pumping or lift facilities, interceptor and main sewer pipe lines, force mains, manholes, laboratory facilities and equipment, and related facilities for the collection, conveyance, treatment, recycling, reclamation and disposal of sewage, comprising the total publicly owned sanitary sewerage system within District jurisdiction, to which storm, surface and ground waters are not intentionally admitted.

For purposes of initial construction or reconstruction of public sewer main or interceptor lines, the District sewer system may also include the portion of a service lateral sewer line within the public right of way or easement. Upon acceptance by the District of a completed public sewer project, the responsibility for maintenance and reconstruction of the service lateral sewer line shall be borne by the owner of the property to which service is provided, except as otherwise established by the District's Board.

### **1.36 Septic Waste**

The sanitary and domestic solids and wastewater removed from a septic treatment facility.

### **1.37 Service Charge (Sanitary Sewer and Surface Water Management)**

Charges assessed on District residential, commercial and industrial customers who are connected to and/or discharge to the public sanitary sewerage system. District sanitary sewer charges are designed to recover both the fixed costs that do not vary with variations of volume of wastewater flow, and variable costs which do vary by flow volume. (See "Base Portion" and "Use Portion.") Surface water management services charges are assessed on any District customer who uses or discharges to the public storm and surface water systems. A property containing impervious surface area is presumed to discharge to the storm and surface water system, unless that property has an on-site disposal system meeting the standards of District requirements. Both sanitary sewer and surface water management service charges are billed to customers on a bi-monthly or monthly basis. Both sanitary sewer charges and surface water management charges are broken down into a District Wide Component and a Local Component (see definitions).

**1.38 Significant Industrial User**

Any industrial user of the District Publicly Owned Treatment Works meeting the criteria of 40 CFR Sec. 403.3(v)

**1.39 Sludges Waste**

The solids from primary, activated trickling filter or a mixture of sludges that is removed from a wastewater treatment facility.

**1.40 Special Wastes**

Wastes which require some special method of handling such as the use of indirect waste piping and receptors, corrosion resistant piping, sand, soil or grease interceptors, condensers or other pretreatment facilities.

**1.41 Storm and Surface Water System (SWM System)**

Any combination of publicly owned storm and surface water quality treatment facilities, pumping, or lift facilities, storm drain pipes and culverts, open channels, creeks and rivers, force mains, laterals, manholes, catch basins and inlets, including the grates and covers thereof, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the collection, conveyance, treatment and disposal of storm and surface water comprising the total publicly owned storm and surface water system within District jurisdiction, to which sanitary sewage flows are not intentionally admitted.

**1.42 Strength Portion**

Under the Industrial Service Charge Rate methodology, the portion attributable to high strength or concentration of components.

**1.43 Suspended Solids (SS)**

Solids that either floats to the surface or are in suspension in water, sewage, or other liquids and which are removable by filtering.

**1.44 System Development Charge (SDC)**

An assessment provided under Oregon Law which is paid at the time a connection permit is issued to recognize the cost of growth. The sanitary system SDC has two components: "reimbursement" which is based on the value of the existing collection and treatment systems, and "improvement" which is based on the anticipated future cost of system improvements and enhancements. The surface water management system SDC is based on improvements to the system. Both sanitary and surface water management SDC's are broken down into a District-wide component and a Local component (see Definitions).

#### **1.45 Temporary Discharge**

- a. The discharge of domestic wastewater to the sanitary sewer system from a temporary use where there is a temporary structure requiring sanitary sewer service. This would include construction trailers, facilities for short term events, or manufactured homes with temporary placement permits. Temporary use of a permanent structure shall not qualify as a temporary discharge.
- b. The discharge of storm water, surface water, ground water, or industrial wastewater to the sanitary sewer or storm conveyance system from a temporary use where there is no structure requiring sanitary sewer service. Temporary discharges may include, but are not limited to, water from environmental remediation sites, waterline testing, groundwater well rehabilitation, construction site dewatering, and sanitary sewage discharges from temporary placement of construction trailers.
- c. A Short Term Temporary Discharge is defined as a Temporary Discharge of industrial wastewater to the sanitary sewer system that occurs no more than twice in any six-month period.
- d. The discharge of storm, surface, or ground water from construction dewatering activities where there is no structure requiring sanitary sewer service.

#### **1.46 User**

Shall mean any person who uses property which maintains connection to, or discharges to, the District sanitary sewerage or surface water management system, or otherwise receives services from either system. If the property has domestic water service from a water purveyor, the person who is responsible for the water meter serving the property is deemed to be the user. If the property is not served by a water purveyor, the occupant of occupied property is deemed the user. If such property is not occupied, the person who controls or has the right to occupy it shall be deemed the user.

#### **1.47 Use Portion**

Under the Consumption Based Sanitary Sewer Rate methodology, or the Industrial Service Charge Rate methodology, the portion generally attributable to variable or flow dependent system expenses. This currently represents 35 percent of system costs.

#### **1.48 User Charge**

The charge levied on users of a sanitary sewer system and storm and surface water system for the user's proportionate share of the cost of operation and maintenance (including replacement), debt financing and construction of such systems, in accordance with Ordinances 29 and 40.

**1.49 Water Unit**

The unit of measurement of water consumption used by the water purveyor, commonly in 100 cubic feet (CCF), Gallons (Gal), or 100 Gallons (Cgal).

**1.50 Winter Average Water Usage**

Water meter data, including at a maximum the period from October 23 to a date between April 30 and May 7, and for new users at new or existing structures, a minimum of two months of data during that period. See Section II.E.1.a.

## II. GENERAL RULES AND REGULATIONS

### A. GENERAL RULES AND POLICIES

#### 1. Connection and Service Charges for Properties Outside the District

Except as otherwise provided by contract, connection and service charges for properties outside the District's boundaries shall be consistent with the rates charged for connection and service charges within the District. Additionally, however, an amount equivalent to applicable taxes and fees that property owners within the District's boundaries must pay shall be paid by similar users outside the District's boundaries.

#### 2. Inconsistent Agreements

The user charge systems shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of Section 204(b)(1)(A) of the Clean Water Act (33 U.S.C. 1251 et seq., as amended).

#### 3. Intergovernmental Relationships

##### a. Reciprocal Exemption

The District may, by agreement, waive imposition of plan review fees, inspection fees, permit fees, recording fees, system development charges, and periodic utility charges otherwise charged, for public projects when the other government has permit review authority over District projects, and adopts a reciprocal waiver of comparable fees otherwise applicable to District public projects. This shall not include sanitary sewage connection or service fees or other fees collected by cities within the District unless the city consents.

##### b. Administration by Cities

A city within the District which is party to an intergovernmental agreement with the District providing for collection of District fees within the city, may administer the provisions of this Resolution and Order. Reference to the District and the Chief Executive Officer may be construed to include a city and its officers, acting pursuant to the intergovernmental agreement and this Resolution and Order.

#### 4. Rounding

Whenever a method results in the calculation of a partial DU, DUE, ESU, or water unit, it shall be rounded by any of the following methods. If the form of the billing and calculation system reasonably permit calculation by more than one method, the more accurate method shall be used.

- a. Mathematical rounding where numbers of .49 and lower are rounded down, and .50 and above are rounded up to the nearest whole DU, DUE, ESU, or Water Unit.

- b. 1/10<sup>th</sup> rounding where a partial DU, DUE, ESU, or Water Unit is rounded to the nearest 1/10.
- c. A partial DU, DUE, ESU, or Water Unit is calculated to the number of significant figures reasonably accommodated by data processing.

## **5. Permit Issuance, Duration, Extension, Refund, and Reinstatement**

- a. Sewer connection permits, storm and surface water system connection permits, site development permits, and erosion control permits may be issued to any person who submits an application meeting all applicable requirements of the District, including the required fee or installment application. In any case in which the permit applicant is not the property owner, the applicant shall certify to the District in writing that he or she is authorized to act on behalf of the owner. The District may require any applicant who is not the owner to provide sufficient evidence of authorization to act on behalf of the owner. Issuance of any permit by the District does not constitute authorization to enter upon or perform work upon any property, except by consent of the owner.
- b. Permit Duration
  - 1) Sewer connection permit, storm and surface water connection permits, and related erosion control permits expire 180 days following the date of issuance, unless substantial construction has begun and is continuing. Failure to begin and continue substantial work toward completion of the connection (as defined in Section II.C.2.b and Section II.C.3.b), shall result in the expiration and cancellation of the permit.
  - 2) Site development permits and erosion control permits associated with site development expire two years following the date of issuance, unless substantial construction has begun and is continuing. Failure to begin and continue substantial work toward completion shall result in the expiration and cancellation of the permit.
- c. Extensions of Time – Upon submittal of a written request and General Processing Fee to the District prior to the expiration of the permits described above, the District may grant an extension of time of 180 days. Such request shall state the sanitary sewer or storm and surface water permit and building permit numbers. The request shall be signed by the property owner or permit applicant. Only two extensions of time shall be allowed, unless the District grants additional extensions based on unusual circumstances.
- d. Expiration of Permit and Cancellation of Permit – A permit that has expired shall be canceled. An owner or applicant may request cancellation of a permit in writing to the District prior to its expiration, whether it has been extended or not. Refunds of permit fees for canceled permits shall be processed in accordance with II.A.5e.below.
- e. Refund of Permit Fees
  - 1) The District shall charge a refund fee for all refunds.

- 2) Requests for refunds of permit fees must be made in writing by the person who paid the fee, unless the person applying for the refund provides evidence satisfactory to the District that the original payor has assigned its right to such payment or consents to payment to another person.
  - 3) If a permit has expired and been canceled by the District, the District shall endeavor to notify the applicant to allow the applicant the opportunity to request a refund of permit fees. Requests for refunds of expired and canceled permits must be made in writing within 30 days of the date of the District's notice of cancellation.
  - 4) Subject to the limitations in II.A.5.e.1)-3), the District shall refund permit fees provided the work covered by the permit has not commenced, the use for which the permit was issued has not been constructed, or the service for which the fee is charged has not been performed (e.g., plan review and inspection services). If work has commenced, or the use has been constructed, then the use shall be eligible for a credit upon disconnection, but not a refund, even if the use has been removed. If the service has been performed, no refund shall be given.
- f. Reinstatement of Permit – After a connection permit has expired and/or been canceled, the permit may be reinstated by following application procedures for a new permit, and paying the current connection fees. If there are no connection fees due, a Permit Processing Fee shall be charged.

## **6. Disconnection and Reconnection**

- a. Properties disconnecting from the sewer system in accordance with Ordinance 29 shall obtain a sewer disconnection permit and pay a disconnection fee. Properties disconnecting from the Storm and Surface Water system in accordance with Ordinance 40 Section 8 shall obtain a disconnection permit and pay a disconnection fee.
- b. Properties that have disconnected from the sewer system or from the surface water management system may reconnect by following the rules for connection of new property, except the connection fees may be reduced by the amount of credit, if any, given due to the disconnection. See Section III.A.1.c and Section III.A.2.b for rules on credits. If a reconnection is made, and credits equal or exceed the connection fees due, then a permit processing fee shall be charged.

## **7. Suspension of Sanitary Sewer Charges**

- a. The Base, Use, and Strength portions of the sanitary sewer service charge shall be suspended upon approval by the District of a suspension request. To request suspension, the customer shall contact the District demonstrating to the satisfaction of the District that all of the following conditions are met:
  - 1) All the water meters serving the property are shut off or locked by the water purveyor, or have been removed.

- 2) There are no alternate sources of water.
- 3) There is no use of the property or structures occurring that would require the use of the sanitary sewer system.

If any of the above conditions are not met, the request for suspension shall be denied. If any of the above conditions cease to be met, regular sanitary sewer service charges shall be charged. The District may inspect the structure to verify whether or not the conditions required are met.

- b. The use portion of the sanitary sewer service charge shall be suspended upon approval by the District of a suspension request. To request suspension, the customer shall contact the District, demonstrating to its satisfaction that there was no water usage or no discharge to the sanitary sewer system for an entire billing cycle.
- c. There is no fee for application for service charge suspension. Service charges for the storm and surface water program are not affected by the suspension of sanitary sewer charges.

## **8. Recalculation**

- a. The District may from time to time inspect property connected to the sanitary sewer or storm water system and make a physical count of the number of fixture units, beds, bedrooms, DUs or DUEs, metered flow, or impervious surface area present. Based upon the results of such inspection, the District may recalculate the connection charges and service charges based on the current information.
- b. If the number of DUs, DUEs, or ESUs is reduced as a result of a physical inspection, permit, or administrative change, no refund of connection charges shall be made by the District, but the property will be eligible for a credit. If the number of DUs, DUEs, or ESUs increases, the owner shall pay a connection charge to the District based on the differential between the new and old information, calculated at the District's current connection charge rate, as provided in Ordinance 28. Any additional charges shall be due immediately upon the determination by the District. The owner may request deferral of the charge of installment payment pursuant to ORS Chapter 223.
- c. Service charges shall be based on the most current available information, and any revised service charges shall become effective immediately upon determination by the District.

## **9. Refund of Service Charges**

When an overpayment of service charges has been made, the District shall issue a refund or credit, and no General Processing Fee shall be charged. For accounts where the billing function has been contracted to a water purveyor, the District may delegate the responsibility for determining refund amounts and final account settlement to the billing



entity. However, a refund of more than \$100.00 in District user charges may be subject to approval by the District.

## **B. SYSTEM DEVELOPMENT CHARGES (CONNECTION CHARGES)**

### **1. Sanitary**

Authority – Sewer connection charges shall be charged in accordance with Ordinance 28 for any and all of the following:

- a. Direct connections to the District sewer system;
- b. Indirect connections to the District sewer system including, but not limited to, building additions, or expansions which include sanitary facilities;
- c. Change in the use of an existing connection; and
- d. Substantial increase(s) in the flow or alteration of the character of sewage to an existing connection.

### **2. Storm and Surface Water System**

Authority – Storm and surface water system development charges shall be charged in accordance with Ordinance 28 for construction or other activity that causes, or is likely to cause, an increase in the square footage of impervious surface area or a surface material change to one of increased imperviousness (e.g., paving an existing gravel area). Temporary impervious surfaces projected to be in place for less than one year, are excluded.

### **3. Sanitary and Surface Water SDC Effective Date**

The Sanitary and Storm SDC rate will be applied to each connection permit issued on or after the effective date of the adopting Resolution and Order, unless a plumbing permit application has been accepted by the jurisdiction with building authority prior to the effective date of the adopting Resolution and Order. The Sanitary and Storm SDC rates in effect at the time of the plumbing permit application will apply for a period of up to 180 days from the effective date of this Resolution and Order.

### **4. Transfer of Sanitary and Surface Water Connection Permits and SDC Credits**

- a. Residential/Commercial Connection Permits – Residential or commercial sanitary sewer and surface water permits for System Development Charges are issued to a specific tax lot numbered lot within a subdivision or development. If a lot is subsequently subdivided, credits for payment of the SDC on the lot may be reassigned to one of the newly created lots. Credits for payment of the SDC on a lot may be transferred to another parcel if all of the following conditions are met.

- 1) A property owner submits evidence that a lot that they own with an existing connection to the sanitary or surface water system has become permanently

unusable for any use requiring such connection due to a change in its size, topography, or permanent legal restriction; and

- 2) The property owner provides evidence that the applicable requirements of Ordinances 29 and 40 for disconnection from the sanitary sewer system or storm and surface water system have been met; and
  - 3) The request to transfer the SDC Credit to another parcel owned by the property owner occurs within one year of the action making the property unusable; and
  - 4) The owner pays the General Processing Fee.
- b. Industrial Connection Permits – Industrial connection permits are issued to the source of industrial discharge or industrial uses and not to the lot.

Industrial permits may be transferred upon prior approval of the District Source Control Division. DUEs from Industrial permits are not transferable between industrial and residential/commercial connection permits.

## **C. SERVICE CHARGES – SANITARY SEWER AND STORM AND SURFACE WATER SYSTEMS**

### **1. General**

- a. Request for Service – Any person who obtains a connection permit, or otherwise connects or maintains connection of private plumbing facilities to the sanitary sewer facilities of the District, or who maintains impervious surface areas, shall be deemed to have made a specific request for service of the District, and shall be responsible for applicable sanitary and surface water management charges. Such specific request shall continue until the property is disconnected from the District system or use is suspended and the customer has complied with all applicable District rules for termination or suspension of service.
- b. Responsible Party – The District shall determine the person responsible for service charges. The person or entity responsible may be the owner, tenant, or person or entity responsible for the water meter serving the property, as provided in Ordinance 29. The person responsible for the water meter serving the property shall be the person responsible for paying water service charges for that water meter. In cases where there are multiple meters serving one use, the District may select what appears to be the most appropriate meter based on size or water consumption data and assess the consumption based rate methodology “base charge” to that single meter until receipt of written notice to the contrary from the user.

In cases where there is a master meter, the consumption based rate methodology “use charge” and “base charge” for all uses being served by the master meter may be billed to the person or entity responsible for the master water meter. Upon presentation of a rental agreement, homeowner association by-laws, or other similar agreement which

defines specific payment responsibilities for sewer, surface water management, water supply and other utility charges, the District may assess charges to the individual tenants, owners, or occupants as specified in that agreement. In such cases, the total sanitary sewer and surface water management service charges shall be divided according to the DUs or DUEs of each unit, unless specified otherwise in the agreement.

c. **Service Charge Billing**

- 1) The sanitary sewer and storm and surface water monthly service charges may be billed separately or combined into a single billing, and billed on a monthly, bimonthly, quarterly, semiannual or annual system. The District may prepare and send bills using its own staff or contracted services of a private firm or governmental entity.
- 2) Bills may be prorated whenever there is a new service request, when the user or person responsible changes, or when there is a change in the basis of the rate determination.
- 3) Except when provided otherwise in a billing service agreement or payment agreement, when a service charge account is not paid in full, any amount paid shall be applied to the sanitary sewer and storm and surface water programs in proportion to the amount of each bill.

**2. Sanitary Sewer Service Charges**

a. Authority – Sewer service charges shall be made in accordance with Ordinances 28 and 29.

b. Commencement of Charges

- 1) For property served or to be served by a water purveyor, connection to the system will be deemed to be complete and the charge shall commence after both of the following have occurred:
  - a) The use of municipal and /or industrial water begins at the service address.
  - b) Issuance of a sewer connection permit or sewer lateral installation to the property, whichever occurs earlier.
- 2) If the date for such water service is unavailable, or the customer is not served by a water purveyor, connection to the system will be deemed to be complete and charges shall commence following the earliest of one of the following events:
  - a) Sewer lateral installation to the property and “rough-in” plumbing inspection approval;

- b) Sewer lateral installation to the property and any inspection that occurs after the “rough-in” plumbing inspection;
  - c) Occupancy permit issuance;
  - d) Evidence of plumbing fixtures connected to the public sanitary sewer system;
  - e) Acquisition of a connection permit and a mobile home siting permit.
- 3) Upon presentation of evidence satisfactory to the District, the District may adjust the commencement of charges to coincide with the date water is actually available. The user shall have the burden of showing the date on which water is available.
- 4) Discontinuance of Charges – Sanitary sewer service charges shall be discontinued when the property meets the conditions for disconnection per Section II.A.6, or for suspension Section II.A.7. Service charges shall recommence when the property reconnects to the sewer system, or when the conditions for suspension are no longer met.

### **3. Storm and Surface Water Service Charge**

- a. Authority – Storm and surface water service charges shall be made in accordance with Ordinances 29 and 40.
- b. Commencement of Charges – For properties where there is a new or expanded (new units of connection) sanitary sewer service charge, connection to the system shall be deemed to be complete, and the storm and surface water charge shall commence at the same time the sanitary sewer service charge commences or changes. For new connections to the surface water management system where there is no sanitary sewer service charge, or no change to an existing sanitary sewer service charge, connection to the system shall be deemed to be complete, and the storm and surface water service charge shall commence six months after the issuance of the District storm and surface water permit, or the date when the permit would have been required in cases where no application was made. If no construction has commenced on the property, the owner or applicant may make a written request that the District delay the start of SWM service charges. If approved, the monthly service charge shall commence the month following the start of construction of new impervious surface on the property.
- c. Discontinuance of Charges – SWM monthly service charges shall cease when the property meets the conditions for disconnection contained in Section II.A.6. Monthly service charges shall recommence when the property reconnects to the SWM system.

## **D. DETERMINATION OF SANITARY SEWER DWELLING UNITS (DUs) AND DWELLING UNIT EQUIVALENTS (DUEs)**

### **1. General**

- a. There are four methods of determining sanitary sewer system Dwelling Units (DU) and Dwelling Unit Equivalents (DUEs). Two of the methods are generally for “residential” uses:

1) Residential I

2) Residential II

One of the methods is generally for “commercial” uses:

3) Fixture Count

One of the methods is generally for “Industrial” uses:

4) Metered Method

The methods shall apply, and the DUs and DUEs shall be calculated, as defined in the following sections.

- b. The following definitions shall apply:

- 1) Duplex, Apartment, and Condominium – A group of more than one residential units (bedroom(s), bathroom(s) and kitchen) together in one structure, whether or not owned singly or separately, leased or rented.
- 2) Bathroom – A room in a residential structure containing a toilet or urinal and a sink. It may or may not include a tub or shower.
- 3) Bedroom – A room in a residential structure intended to be used as a sleeping area.

For a bedroom containing more than four beds (a dormitory), the number of “bedrooms” shall be determined by dividing the number of beds by four. For example, a dormitory with 40 beds shall equal 10 bedrooms (40/4).

In a hotel, motel, bed and breakfast, or other commercial lodging facility, each unit that can be individually rented shall be a bedroom. A “suite” with more than one bedroom in an indivisible rental unit shall be counted as one bedroom, provided it does not exceed four beds.

- 4) Kitchen – A room in a residential structure intended for the preparation of meals for residents which includes a sink and stove or cook-top. An area intended for the preparation of snacks, or to prepare infrequent small meals shall not be classified as

a kitchen. A kitchen designed for commercial use (sale of food to the general public) shall not be included in the Residential I or Residential II Rate methods.

- 5) Recreational Vehicle Park – A facility intended for the short term transitory use of a recreational vehicle trailer or motor home. The use is primarily for vacation or travel. The length of stay is generally 1 week or less, but occasionally could be up to one month. This use does not include a trailer or motor home being used as a permanent residence.
- 6) Residential Unit – A structure intended for habitation containing one or more bedrooms, bathrooms, and a kitchen.

## **2. Residential I Rate Method**

a. Applicable Uses – This method shall apply to two major categories:

- 1) Separate residential dwellings, including ancillary dwelling units located on the same lot, provided all the dwelling units are served (or calculated to be served) by a single  $\frac{3}{4}$ " or smaller water meter and water service;
- 2) Each unit of a duplex, apartment, condominium, mobile homes, hotel or motel which includes an individual kitchen.

This method shall apply whether the dwelling or unit is occupied or not. The Residential I Rate Method shall include all common facilities such as laundry, kitchen, and recreation areas so long as they are located on the same tax lot as the residential units and are intended for the sole use of the residents. However, if the common facilities are available for use by the general public, or located on a separate tax lot served by direct access to public sewer, additional DUs or DUEs shall be determined using the Fixture Count Method.

Legally established home occupation businesses shall be determined by the Residential I Rate Method, and no additional DU or DUE for offices in the residential dwelling will be levied using the Fixture Count or Metered Method if the primary use of the structure is maintained as residential. If more than 50 percent of the fixture units in the structure are associated with the commercial use, a change of use will be deemed to have occurred and the DUs or DUEs shall be calculated using the Fixture Count or Metered Method rather than the Residential I Rate Method.

- b. Facilities to be included in the Calculation – For the purpose of this section, only fixtures draining to the sanitary sewer system shall be included in the calculation. Water requirements for uses not connected to the sanitary sewer, such as irrigation, fire suppression, and air conditioning, shall not be included. The calculation shall be used only for the purpose of evaluation if the DUs or DUEs are to be determined using the

Residential I Rate Method, or another method, and the actual meter size installed will have no bearing on this determination.

- c. Meter Size – If the dwelling is served by a domestic well, or if the calculation requires larger than a ¾" water meter and service due to pressure or line length restrictions, but the number of fixture units in the dwelling could otherwise be served by a service with a pressure range of 46-60 psi and a line length of 100' (33 fixture units), the Residential I Rate Method shall apply. If the total water supply demand for all fixtures draining to the sanitary sewer exceeds a ¾" meter, the Residential II Rate Method shall apply.

CALCULATION – 1 DU = Each residential dwelling, and ancillary dwelling unit located on the same lot, served or calculated to be served by a ¾" or smaller water meter; each unit of a duplex; each unit of an apartment or condominium; and each unit of a hotel or motel which includes a kitchen.

### 3. Residential II Rate Method

- a. This method shall apply to five major categories:
  - 1) Residential dwellings, including any ancillary dwelling units located on the same lot, which are served (or calculated to be served) by larger than a ¾" water meter and service;
  - 2) Motel and hotel units without individual kitchens;
  - 3) Dormitories;
  - 4) Bed and breakfast facilities and other commercial lodging facilities;
  - 5) Recreational vehicle parks.

This method shall apply whether the unit, dwelling, or space is occupied or not. The Residential II Rate Method shall include all facilities such as a central laundry, kitchen, and recreation area, so long as they are located on the same tax lot as the units, dwellings, or spaces and intended for the sole use of the residents or guests. However, if the common facilities are available for use by the general public, or located on a separate tax lot served by direct access to public sewer, additional DUs or DUEs shall be determined by using the Fixture Count Method.

CALCULATION –

- Residential Dwelling; 1 DUE for the first five bedrooms plus 1 DUE for every two bedrooms over five.
- Dormitories, Hotels, Motels, Commercial Lodging Facilities:

1 DUE = 2 bedrooms

- Recreational Vehicle Parks: 1 DUE = 2 Recreational Vehicle Spaces with Sewer Hookups

#### **4. Mobile Business Method**

This method applies to permanent connection ports for mobile business units, such as food carts or food cart pods. This method shall apply whether the unit or space is occupied or not. The Fixture Count Method shall include all facilities used to support mobile, semi-mobile, or permanent connections, including a central dining area, washroom, or cleaning station, so long as they are located on the same tax lot as the mobile business connection ports, and are intended for the sole use of those businesses and customers. However, if the common facilities are available for use by the general public, or located on a separate tax lot served by direct access to public sewer, addition DUs or DUEs shall be determined by using the Fixture Count Method.

CALCULATION – 1 DU = 2 Connection Ports with Sewer Hookups

#### **5. Fixture Count Method**

This method shall apply to all nonresidential uses, when the Metered Method is not required to be used and the Mobile Business Methodology does not apply. The Fixture Count Method shall apply to all commercial, non-metered industrial uses, restaurants, schools, hospitals, public facilities, swimming pool filters, and all other similar nonresidential uses.

CALCULATION – 1 DUE per 16 fixture units (See Table 2.A for Fixture Units)



**Table 2.A**

**FIXTURE UNIT RATINGS (SEWER SYSTEM)**

Fixture	Fixture Unit Value
Baptistery/Font	4
Bath	
Jacuzzi	4
Tub/Shower Combination	4
Car Wash	
Each Stall	6
Drive Through	16
Cuspidor/Water Aspirator	1
Dishwasher	
Commercial	4
Domestic	2
Drinking Fountain	1
Eye Wash	1
Floor Drain/Floor Sink (see foot note #1)	
2-inch	2
3-inch	5
4-inch	6
Car Wash Drain	6
Garbage Disposal	
¾ horsepower	16 or 0 (see foot note #2)
¾-5 horsepower	32
more than 5 horsepower	42
Ice Machine/Refrigerator Drains	1
Oil Separator (Gas Stations)	6
Recreational Vehicle Dump Station	16
Shower	
Gang	1 (per head)
Stall	2
Sink	
Hand/Lavatory/Kitchen/Bar Sink -non-food service or utility related use including ≤ ¾ hp disposal	2
Bradley	5
Commercial/Service/Utility Sink - food service related use	3

Fixture	Fixture Unit Value
Swimming Pool Filter	1
Washer, Clothes	6
Water Extractor	6
Water Closet, Toilet	6
Urinal	6
Any fixture unit rating not addressed in this table shall be calculated pursuant to the <i>current State Plumbing Code</i> .	

1. The District will count the greater of either the number of floor sinks or the units that drain into them, but not both.
2. Fixture unit values for garbage disposals less than ¾ hp installed in non-residential applications shall be based on the proposed use of the facility. Uses associated with commercial food processing, preparation, handling, or group food service (cafeterias) shall be charged 16 FU. Uses for individual employee support (i.e., employee lunchrooms) shall not be separately charged.

## 6. Industrial or Metered Method

- a. This category shall include all industrial uses and such other uses where the District determines that the DUs or DUEs shall be based on estimated or actual metered flow of incoming water, or metered effluent. This calculation shall only be used in determining industrial user connection charges.

The Metered Method shall include any use identified by the District as having a high volume or strength of effluent discharging to the sanitary sewer system.

- b. The following definitions shall apply:
  - 1) Category I (Dry) – Defined as a source which does not generate or discharge any industrial waste or wastewater. DUEs for Category I sources shall be calculated under the Fixture Count Method (or other applicable method), unless the District determines that the Metered Method will be required. If so, the use will be evaluated under Category II below.
  - 2) Category II (Minor) – Defined as a source of industrial waste or wastewater discharging less than 25,000 gallons per day with a strength of waste discharge less than 800 mg/l chemical oxygen demand (COD) and 400 mg/l suspended solids (SS). DUEs for Category II sources shall be calculated based on flow. The amount of connection charge DUEs purchased will equal the sanitary wastewater discharge permit monthly average flow limit.
  - 3) Category III (Major) – Defined as a source of industrial waste or wastewater discharging more than 25,000 gallons per day, or with a strength of waste discharge of more than 800 mg/1 chemical oxygen demand (COD), or 400 mg/1 suspended solids (SS). DUEs for Category III sources shall typically be calculated based on flow. The amount of connection charge DUEs purchased will equal the sanitary wastewater discharge permit monthly average flow limit.

District may, at its discretion and upon evaluation of the impact of a Category III source with strength of waste discharge exceeding 800 mg/l chemical oxygen demand (COD) or 400 mg/l suspended solids (SS), calculate DUEs based on either strength component instead of flow.

CALCULATION -

### Category II

1 DUE= 625 gallons per day average value plus DUs and DUEs for sanitary and domestic facilities calculated using other applicable methods.

### Category III

1 DUE = 625 gallons per day average value plus DUs and DUEs for sanitary and domestic facilities calculated using other applicable methods

OR, upon District evaluation:

1 DUE = 0.7 pounds BOD or 1.4 pounds COD per day average value

1 DUE = 0.7 pounds SS per day average value

(The DUE calculation yielding the largest System Development Charge shall be used)

Plus DUs and DUEs for sanitary and domestic facilities calculated using other applicable methods.

### 7. General Rules Regarding DU and DUE Determination

Mixed Uses – The DUs (DUEs) for a single establishment may be calculated using more than one method when the uses on the site vary. For example, in an industrial site, the office portion may be based on the Fixture Count Method, and the industrial portion may be based on the Metered Method. In such cases, the total DUs (DUEs) shall be based on the total calculated from all applicable methods.

## E. SANITARY SEWER SYSTEM – DETERMINATION OF WATER CONSUMPTION FOR THE CONSUMPTION BASED RATE METHOD

### 1. Methods

For each customer, the District shall determine the appropriate method for determining water consumption. There is one standard method and two alternative methods for determining water consumption for the Consumption Based Rate Method:

#### Standard Method

- Winter Average

#### Alternative Methods

- Yearly Average
- Actual Monthly Usage
- a. Winter Average Method

This method shall apply to all users of the sewer system unless the Yearly Average Method or Actual Monthly Usage Method applies. Water meter data used to calculate

the Winter Average shall include, at a maximum, the period from October 23 to a date between April 30 and May 7. Cities referenced in Section II.A.3.b may choose any ending date between April 30 and May 7 that is compatible with their utility billing system. If valid data is available for the full period, it shall be used in calculating the average. For new customers at new or existing structures, a minimum of two months of data during that period must be available in order to use the consumption-based rate method (Section II.E.2.a). A new Winter Average will be determined each year for each customer effective with the charges incurred no earlier than July 1 and no later than September 1 of that year.

b. Yearly Average Usage

This method shall apply to those customers where the District determines that there is a significant seasonal variation such that the winter average usage is not a representative estimate of actual sanitary sewer usage throughout the entire year.

The most recently available yearly water usage data shall be used to determine a monthly water usage average. A new yearly average will be determined each year as specified in Section II.E.1.

c. Actual Monthly Usage Method

This method is commonly referred to as the “On-line” Method. This method shall apply to any customer where the monthly data is available, the billing system can accommodate the monthly processing of the data, and the District determines the methods listed above are not representative of actual sanitary sewer usage.

The actual water usage from each measurement period shall be used in determining the sewer charges for the following month or billing period.

**2. Exemptions and Adjustments to Determination of Water Consumption**

a. No Winter Water Usage Data

Where minimum water usage data described on Section II.E.1.a is not available, a system-wide average water usage per DU or DUE shall be used. (See Appendix A, Section B.1.b)

b. Metered Water not Entering the Sewer System

Metered water which is not and cannot, under normal operations, be discharged to the public sanitary sewer system shall be deducted from the determination of water usage if it qualifies under one of the following:

- 1) The water is separately metered by the water purveyor.

- 2) There is a properly installed internal “deduct” metering system and the procedures for reading and reporting are followed. The District shall determine the extent of the metering system necessary to provide adequate documentation of the water which is not discharged to the sanitary sewer system.

c. Short Term Variation in Usage

Water usage occurring due to a one-time event (e.g., major water line break, fire fighting, swimming pool filling) shall be deducted from the water usage data if the following conditions are met.

- 1) The water was not and cannot be discharged to the public sanitary sewer system.
- 2) The amount of the water not being discharged to the sewer system can be reasonably estimated and documented by the customer.
- 3) The water represents at least 20 percent of the total usage during that water meter reading period. District shall determine the adequacy of the estimate and documentation.

When these conditions are met, the District may either deduct the water not entering the sewer system from the total usage during the winter average period, or disregard that single water meter reading period.

d. Long Term Variation in Usage

Where seasonal or long term variation in use affects the accuracy of the winter average as an estimate of the year round sewer system use and where that discrepancy constitutes at least a 20 percent difference between estimated winter and non-winter periods, the District may require, or a customer may make application and request, that the water usage be based on the yearly average usage method as described in Section II.E.1.b.

e. Sewer System Usage Change Mid-Year

Any customer who can document the likelihood of a long term 20 percent or greater reduction in usage may apply to use the lower of the current winter average or be evaluated according to Section II.E.2.a. See rules on “disconnection” Section II.A.6.

The District, at its discretion, may evaluate any customer that increases the number of plumbing fixtures mid-year by 20 percent or more as described above in Section II.E.2.d.

**F. SANITARY SEWER SYSTEM – DETERMINATION OF WATER CONSUMPTION FOR THE INDUSTRIAL METERED METHOD**

1. The District’s Source Control Division will determine which users shall be classified as “Industrial,” and shall determine the method of measuring or estimating sewage effluent entering the District’s system.
2. The possible methods for measuring or estimating flow for industrial customers and high volume uses such as car washes and commercial laundries shall include an effluent meter, a process inflow meter, or such other method as determined by the District.
3. Meters and Monitors, when required by the District, shall be installed, operated, and maintained at the sole expense of the user. All metering equipment shall be approved by the District. With the approval of the District, a meter measuring all incoming water may be used, or an effluent meter may be used to measure actual sewerage flow.
4. Nothing in this Resolution and Order limits the District’s authority to require the user to separate its industrial waste/wastewater discharge from its sanitary or domestic waste discharge.

**G. DETERMINATION OF STRENGTH COMPONENT FOR INDUSTRIAL USERS FOR MONTHLY SERVICE CHARGES**

The Source Control Division of the District shall determine which Industrial Category III users shall be charged a strength component for COD and/or SS in addition to a flow component. The Source Control Division shall determine the measurement method to be used.

**H. DETERMINATION OF STORM AND SURFACE WATER EQUIVALENT SERVICE UNITS FOR MONTHLY SERVICE CHARGES AND THE WATER QUANTITY PORTION OF THE SWM SDC**

There are two methods for determining ESUs. There is one which is generally for single family and duplex residential uses:

- Flat rate method

The second is for all other uses (multi-family and non-residential):

- Measured method

These are defined as follows:

**1. Flat Rate Method**

The flat rate method shall be used for the following uses:

- a. Flat Rate Use Residence – A residential structure not attached to another residential structure on one or more parcels of land, providing that there are not more than two residential structures on one parcel. This definition also includes trailers, mobile homes, and manufactured homes, if on separate parcels. Two separate dwelling units on a single parcel shall be charged one ESU per dwelling unit.

Three or more residential dwelling units on one parcel, whether attached or unattached, shall be considered a multiple unit residential use, and shall be a measured use, as defined below.

- b. Duplex – Two dwelling units joined to each other with a common wall, or one above the other, on one or two parcels. The units may be under one ownership, or owned separately.
- c. Trailer Parks, Mobile Home Parks – Includes trailers and mobile homes on a single tax lot (even if there are more than 2 per tax lot) under one ownership, where spaces are leased or rented for a mobile home or trailer to be placed. Mobile homes on separate parcels are treated as Flat Rate residential uses, including additional structures such as a recreation center, community storage building, or an RV parking lot.
- d. Uses Associated with Residence – A flat rate residence or duplex use may have other structures, and other impervious areas, associated with it. An out-building or other impervious area that is typically associated with a residential use is considered part of the flat rate residence or duplex use, and is included within the flat rate charge. Associated uses include: an automobile garage, a deck, or a small garden shed. Impervious areas not typically associated with a residential or duplex use are not included as a part of the flat rate residence or duplex use, and shall be measured (See “Mixed Use.”) Such uses include: barns, equipment storage areas and buildings, recreation centers, livestock sheds, horse sheds, access roads to commercial operations, day-care facilities (exceeding home use standards), retail and commercial uses (exceeding home use standards), church facilities, school facilities, and other similar uses.

CALCULATION – One ESU per dwelling unit.

## **2. Measured Method**

The Measured Method shall be used for properties that are not included in the Flat Rate Method. The ESUs for all of the users in this subsection shall be determined by measuring the impervious area.

- a. Multi-Unit Residential Use

- 1) A group of residential dwellings on one parcel including three or more units, whether or not the units are attached, or



- 2) Three or more attached units on one or more parcels. This definition includes triplexes, townhouses, apartments, condominiums, hotels, motels, recreational vehicle parks, measured use residences, and similar uses.
- b. Commercial, Industrial, Institutional: These categories include the entire range of office, manufacturing, service, sales, restaurant, day care, nursery, warehouse, churches, schools, utilities, public services buildings, parks, hospitals, and other similar uses.

CALCULATION – One ESU per 2,640 square feet of impervious surface of the property, as defined by District rule.

### **3. General SWM ESU Determination Rules**

- a. Condominiums – The total charge for a single condominium unit shall be calculated by measurement of the total impervious surface area in the entire complex, including the garages and common areas, and then divided by the total number of condominiums in the complex.
- b. No Limit on Charge for a Measured Use – Flat Rate Use Residences and duplexes are not individually measured. All other uses are individually measured. For some uses, such as Condominiums, this will result in a charge of less than 1 ESU per unit, and for some uses, more than 1 ESU. If a use is a measured use its charge shall not be limited to 1 ESU, even if it is residential.
- c. Community Facilities – ESUs for a community or neighborhood recreation center or similar facility located on its own tax lot, within a development shall be calculated by the Measured Method.
- d. Mixed Uses on One Property – A mixed use shall be defined as a parcel containing both a flat rate use and a measured use. This includes but is not limited to a single residence associated with a farm. In such cases the house (or duplex), the road or driveway leading to the house, and any out-buildings normally associated with a single residence, as defined in Section II.H.1, shall be separated out and charged 1 ESU. The remainder of the square footage of impervious surface will be measured, and divided by 2640 to determine the ESUs associated with the nonresidential ESUs to determine the total number of ESUs for the parcel.
- e. Seasonal Impervious Area – Properties which have areas that are impervious for only a portion of the year shall constitute seasonal impervious area. For example, a greenhouse that is covered 6 months, and open with a pervious floor for 6 months is considered a seasonal impervious area. If an impervious area is in place for more than 1 month per year, it shall be included in the impervious area measurement, unless exempted under the policy for “Spreading of Runoff to Pervious Surfaces” Section II.H.3.i.

f. Miscellaneous

- 1) No credits, exemptions, or reductions shall be given for impervious surfaces that are submerged for a portion of the year.
- 2) A Flat Rate Use residence (or a duplex unit) and garage, under one ownership, shall be charged 1 ESU (2 for a duplex), even if on two adjacent parcels.

g. Roads

- 1) For the purposes of determining the water quantity portion of the SWM system development charge, public roads shall not be included in the measurement of impervious surface area. "Public roads" shall also include all private roads which meet all the following criteria:
  - a) The road must be open to the public and serve multiple properties.
  - b) The road must be paved, with curbs and gutters.
  - c) The road must connect between two public roads, or must end in a cul-de-sac turnaround.
  - d) The road may not have perpendicular or diagonal on-street parking, but may have parallel parking by the curbs. Off street parking areas may only access the road through a driveway curb cut, or through the connection of another side street.
  - e) The road may not be an aisle-way through a parking lot.

Any revision of the SWM service charge based on this section shall apply to charges incurred on and after July 1, 1996.

- 2) For the purposes of determining the SWM service charges, all private roads are to be included in the measurement of impervious surface areas, except private roads that serve flat rate uses (single family, duplex and trailer park properties) and those which are exempt under Subsection 1 above. Private roads are defined as all roads and driveways which have not been dedicated to the public and accepted for public use, and which are defined as an impervious surface under other District rules. Any revision of the SWM service charge based on this section shall apply to charges incurred on and after July 1, 1996.
- 3) All roadways, whether dirt, gravel, or paved, shall be considered impervious, and unless a part of an exempted category defined in Section II.H.3.g, shall be included in the impervious area measurement. A "roadway" is defined as an area intended for the purpose of providing access for motor vehicles. Motor vehicles shall include automobiles, trucks, and tractors if similar or larger in size and weight to a passenger

automobile. Roadways shall include such things as roads, streets, alleys, driveways, and aisle ways in parking lots and storage areas.

h. Determination of Impervious Surfaces – Aisle ways and Storage Areas

- 1) A dirt or gravel parking lot shall be deemed to include 40 percent of its area in “aisle ways”, and therefore 40 percent of dirt and gravel parking areas will be deemed impervious. A parking area is defined as an area where motor vehicles are parked temporarily. This shall include such areas as public and private parking lots (regardless of frequency of use), and equipment storage areas. The 40 percent figure is based on typical requirements for the dimensions of parking lots (24 foot aisle, 18 foot parking stalls on each side).
  - 2) A dirt or gravel storage area shall be deemed to have 20 percent of its area in “aisle ways,” and therefore 20 percent of measured dirt and gravel storage area will be deemed impervious. A storage area is defined as an area where materials are stored and accessed by motor vehicles. This shall include such uses as container nursery areas, and auto salvage yards. The 20 percent is based on the assumption that a storage area will have ½ the roadway ratio as a parking lot.
  - 3) A dirt or gravel area that is not accessed by motor vehicles, or is not otherwise highly compacted, shall be considered not impervious. This shall include such uses as landscaping, and gravel or dirt areas accessed only by foot traffic, or small vehicles, as defined above.
  - 4) A user may submit information for District review showing that the road and aisle way area of a parking lot or storage lot is less than the standard 40 percent or 20 percent. The District shall review such information and may perform a site inspection. Based upon objective, verifiable information presented, or upon the site inspection performed, the District may modify the ESUs for the property to conform to the actual impervious surface. Failure to permit the District to perform a site inspection of property shall be grounds to deny an application for review under this subsection.
- i. Spreading of Runoff to Pervious Surfaces – Impervious areas shall be excluded from measurement and surface water management charges if the runoff is spread to a pervious area that does not otherwise receive rainfall. For properties which meet the criteria of this subsection, all or part of the impervious area may be excluded from measurement and charge, as appropriate. For such property, the following criteria shall apply:
- 1) It shall be the responsibility of the user to provide documentation as required by the District to demonstrate that the criteria are met.

- 2) The area of impervious area that can be exempted is limited to the area of the pervious area where the runoff is effectively spread.
  - 3) To qualify, the runoff from an impervious area must not be concentrated but must remain as “sheet flow”, or be spread so it is in sheet flow; the runoff must pass through the pervious area before it is collected in a drain or channel system and carried away; and there cannot be any barriers such as a concrete foundation preventing the sheet flow runoff from passing through the impervious area.
- j. Quarry Property – Permanent roadways, parking areas, and structures shall be included in the impervious area measurement. The actual excavated area from which material is being taken, and the temporary service roads in the excavation area shall be excluded as not being impervious.
  - k. Railroad Facilities – Railroad facilities shall be included in the measurement of impervious area, but the rail grade itself shall be excluded as being pervious.

#### **I. DETERMINATION OF ESUs FOR WATER QUALITY PORTION OF SWM SDC**

The water quality component of the SWM SDC shall be determined by using the methods for calculating ESUs as defined in Section II.H, except that all roads, both public and private, and even if serving flat rate uses, shall be included in determining the ESUs.

### III. DEFINITION AND APPLICATION OF FEES AND CHARGES

#### A. SYSTEM DEVELOPMENT CHARGES (CONNECTION CHARGES)

##### 1. Sanitary Sewer

###### a. Determination of Sanitary Sewer Connection Charges

Except as shown in Section III.A.1.b. and Section III.A.1.c, Connection charges are based on the number of Dwelling Units or Equivalent Dwelling units as determined in Section II.D multiplied by the Rate per DU or DUE in Appendix A.

###### b. Exemptions to Determination of Sanitary Sewer Connection Charges

- 1) Car Washes – The initial connection fee for a car wash shall be based on Fixture Count Method. Adjustments to the connection fee based on actual water use will be made after six months of operation, based on a Category II Industrial Rate. Additional connection fees may be required at the time.
- 2) The initial connection fee for unfinished or undeveloped (“shell”) commercial establishments shall be 1 DU (DUE). Additional connection fees may be required at the time that interior improvements are made to the building. Owners, developers or tenants making interior improvements which include plumbing facilities shall be required to pay additional connection fees at the time such improvements are made.
- 3) Temporary discharges of wastewater as defined in Section I shall be charged connection and/or discharge fees as described below.
  - a) Temporary discharges of domestic wastewater as defined in Section I require a sanitary sewer connection permit and shall be charged a temporary sanitary sewer connection fee as described in Appendix A, Section A.1.b. These discharges are subject to Sanitary Sewer Services Charges as defined in Section III.B.1.a.1.
  - b) Temporary discharges of non-domestic wastewater as defined in Section I occurring more than twice in a six-month period are subject to the permit and approval requirements of R&O 09-1 regarding industrial (non-commercial, non-domestic) discharges. These discharges require an Industrial Waste Discharge Permit and permit fees described in Appendix A, Section D.3.a. These discharges also require a sanitary sewer connection permit and shall be charged a temporary sanitary sewer connection fee as described in Appendix A, Section A.1.b. These discharges are subject to Sanitary Sewer Services Charges as defined in Section III.B.1.a.2.

- c) Short Term Temporary Discharges as defined in Section I are subject to the permit and approval requirements of R&O 09-1 regarding industrial (non-commercial, non-domestic) discharges. Short Term Temporary Discharges are exempt from sanitary sewer connection fees, but require an Industrial Wastewater Discharge Permit and permit fee described in Appendix A, Section D.3.d. These discharges are subject to Sanitary Sewer Service Charges described in Section III.B.1.a.2.

c. Credits

- 1) Credit Through Prior Payment – Whenever a connection charge is computed on property for which sewer connection charges have been previously paid, a credit may, in the discretion of the District, be allowed. The amount of the credit shall be determined by District staff by taking into consideration the connection charge calculation method existing at the time of the payment of the earlier connection charge(s) along with the number of existing and proposed DUs or DUEs and then computing the extent and amount of the credit, if any. If records of such previous charges are not available, the burden of proof shall be on the property owner to establish the amount of those earlier charges. The exact manner of calculation of any credit allowed shall be in the discretion of the District.
- 2) Credit Through Facility Construction – A property earning a credit through the construction of a facility as specified in Ordinance 28 may apply those credits to reduce connection charges.

## 2. Surface Water Management

a. Determination of Surface Water Management Connection Charges

The SWM SDC charge, for quantity and quality, will be charged at the time connection permits are issued unless on-site facilities are not constructed. Except where credits are available pursuant to Section III.A.2.c.1 and III.A.2.c.2, the Water Quantity portion of the SWM SDC shall be based on the number of ESUs for that purpose as determined in accordance with Section II.H. Except where credits are available pursuant to Section III.A.2.c.1 and III.A.2.c.2, the Water Quality portion of the SWM SDC shall be based on the number of ESUs for that purpose as determined in accordance with Section II.I. The resulting combined Water Quantity and Quality ESUs shall be multiplied by the SWM SDC Rate per ESU from Appendix A.

b. Exemptions to Determination of Surface Water Management Connection Charges

- 1) Short term temporary discharges to the storm or surface water system are exempt from stormwater management connection fees, but require a Temporary Discharge Review and associated fee, as listed in Appendix A, Section D.13.

- 2) Short term temporary impervious surfaces projected to be in place for less than one year are subject to Surface Water Management Service Charges described in Section III.B.2.a.
- 3) Short term temporary non-runoff discharges to the storm or surface water system are exempt from Surface Water Management Service Charges.

c. Credits

- 1) Credit Through Prior Payment – Whenever a connection charge is computed on property for which surface water management connection charges have been previously paid, a credit may, in the discretion of the District, be allowed. The amount of the credit shall be determined by District staff by taking into consideration the connection charge calculation method existing at the time of the payment of the earlier connection charge(s) along with the number of existing and proposed ESUs and then computing the extent and amount of the credit, if any. If records of such previous charges are not available, the burden of proof shall be on the property owner to establish the amount of those earlier charges. The exact manner of calculation of any credit allowed shall be in the discretion of the District.
- 2) Credits Through the Construction of a Facility – The procedure for allowing and determining the amount of credits is established in separate rule pursuant to Ordinance 28.

a) Credits for Water Quantity Portion of the Surface Water Management SDC

New developments that provide on-site or off-site water quantity control improvements for conveyance capacity according to Ordinance 28, are entitled to a credit in SDC fees. The improvement must meet or exceed the requirements in the District's Design & Construction Standards.

- i) To be eligible for a credit (reduction) of SDC fees, the request must be submitted prior to, or as a part of, the development process, but in all cases the request must be made prior to the payment of the SDC fees. To be eligible for a credit, the request can be made at any time, in accordance with District Ordinance 28. The request shall demonstrate the property meets one of the above conditions.

For on-site facilities, the District reserves the right to inspect the facilities installed at any time. If it is found that the system no longer functions, then the SDC fees that were waived will become due and payable.

b) Credits for Water Quality Portion of the Surface Water Management SDC

Properties that provide on-site retention, disposal, or treatment may apply for and receive a credit in the water quality portion of SDC fees. A credit also may be given for future phases of development.

To be eligible, new development, or portions of new development, must include design, construction and maintenance of an on-site treatment facility which meets or exceeds the standards defined in District rules for on-site water quality facilities.

The term “on-site” means on the parcel, or on another parcel in the near vicinity of the parcel requesting the credit or reduction.

To be eligible for a reduction of SDC, the property owner must submit a request prior to, or as a part of, the development process, but in all cases the request must be made prior to the payment of the SDC fees. To be eligible for a credit, the request can be made at any time, in accordance with District Ordinance 28. The request shall demonstrate the property meets one of the above conditions.

The District reserves the right to inspect the facilities installed at any time. If it is found that the system no longer functions, then the SDC fees that were waived will become due and payable.

## **B. SERVICE CHARGES**

### **1. Sanitary Sewer**

#### **a. Determination of Sanitary Sewer Service Charges**

The two methods for determining sanitary sewer service charges are:

- Consumption Based Rate Method
- Industrial Method

#### **1) Consumption Based Rate Method**

This method shall apply to all uses except those qualifying under the Industrial Method.

The sewer service charge shall be based on the total of Dwelling Units or Dwelling Units Equivalent (the “Base Charge” as determined in Section II.D) multiplied by the rate per DU or DUE in Appendix A, plus the customer’s average monthly water consumption (the “Use Charge” as determined in Section II.E) multiplied by the rate per water unit [gallons or hundred cubic feet (CCF)] in Appendix A.

#### **2) Industrial Method**



This category shall include all industrial uses and such other uses where the Source Control Division of the District determines that the charge shall be based on a combination of metered effluent (or metered inflow), plus in some cases a strength component.

This method shall include any use identified by the District with a high volume or strength of effluent discharging to the sanitary sewer system, such as industries, car washes, and commercial laundries.

The monthly sewer service charge shall be based on the total volume of effluent (as determined in Section II.F) multiplied by the monthly rate per volume in Appendix A.

In addition, the Source Control Division of the District shall determine which Industrial Category III users shall be charged a strength component for COD and/or SS (as determined in Section II.G) multiplied by the monthly rate per volume in Appendix A, in addition to the flow component.

b. Other Sanitary Sewer Service Charges

- 1) Liquid Waste/Septage Waste Charges – Shall be charged as defined in Appendix A, Section B.1.d for the treatment of waste from septic tanks or portable toilets delivered to a District treatment facility by an authorized Liquid Waste Hauler. Non-domestic wastes will only be received by the District if approved by Source Control and determined to be similar to domestic waste and can be effectively treated at the District treatment facility.
- 2) Sludge Waste Charges – Sludge waste charges shall be charged for the treatment of sludges from other than District wastewater facilities as defined in Appendix A, Section B.1.e.

**2. Surface Water Management – Determination of Surface Water Management Service Charges**

- a. Except as provided in Section III.B.2.b, the surface water management service charges shall be the number of ESUs (as determined in Section II.H) times the rate per month per ESU in Appendix A. Temporary discharges to the storm system shall be charged as shown in Appendix A. Charges for temporary discharge shall be due at the time of permit issuance.
- b. Exemption from Surface Water Management Service Charges
  - 1) Users of properties for which all storm water is disposed of on-site, as defined by District standards, may request an exemption from surface water management service charges. No partial exemptions or reductions for detention, or for disposal of only a portion of the storm and surface waters onsite, shall be allowed. In order to qualify for a service charge exemption, the user must design, construct and

maintain an on-site facility that keeps all storm and surface water separated from the public system, and disposes of it on-site for the full range of storms. The applicant for exemption must pay an initial inspection/review fee.

For the purpose of this Section, the term “property” means a parcel of land, or a group of adjacent parcels working in cooperation. The term “on-site disposal” means on the parcel, or on another parcel in the near vicinity of the parcel for which a user requests the exemption.

In order to qualify for the exemption, the on-site system must encompass the entire property (except for incidental impervious area as defined below), must be completely separated from the public system, and must provide adequate on-site disposal. Incidental areas are areas such as sidewalks, decks, and driveway aprons, and shall not exceed 10 percent of the total impervious area.

On-site disposal facilities that may qualify are dry wells, injection wells, retention basins with percolation/evaporation capacity, retention basins with capacity large enough to accommodate the total of all storms through the year, and large pervious areas as provided in Section III.B.2.b.6. Due to possible adverse effects on ground water, some techniques may require approval of State, Federal and local agencies.

- 2) To qualify, an applicant must submit a request to the District for an exemption from monthly service charges relating to the property. This request shall include a certification from an engineer, or other evidence acceptable to the District, that shows the system is separate and will dispose of the full range and volume of storm water through the year on site. The applicant shall also submit a maintenance plan for assuring the system will function as designed. The application must be signed by the property owner.

An inspection/review fee shall be paid at the time of application. If the request for the exemption is made as a part of the construction plans, this fee shall be waived. A decision denying an exemption may be appealed following the procedures in Ordinance 29. If approved, the exemption will be effective for the next billing cycle.

- 3) The District retains the right to inspect the on-site measures to assure they are functioning as designed. If at any time the measures are found to not be effective, the exemption shall cease.
- 4) If the property has a dry well and is a flat rate residential use, the applicant must submit a request for an exemption from monthly service charges demonstrating that property meets the following dry well criteria. Any newly installed dry well must meet Washington County Building Department or applicable City requirements, and evidence of such approval must be submitted to the District. If the application is for an existing dry well, evidence of compliance with one of the following must be submitted:

- a) The dry well meets current city or Washington County Building Department Standards; or
  - b) The dry well installation was approved by the city or Washington County Building Department at the time of installation; or
  - c) The dry well design was certified by a licensed civil engineer at the time of installation, or can now be certified as meeting District standards.
- 5) This provision does not approve the use of dry wells, but only recognizes the reduction in impact to the surface water management system. Installation of dry wells must still meet the approvals of all jurisdictions with authority.
- 6) A property with a large vegetated pervious area may receive an exemption based upon disposal of all storm water on site, upon application to and approval by the District. Upon approval, the exemption will apply to the next billing cycle following approval. For applications meeting the requirements of this subsection, no design, construction, engineer’s certification, or maintenance plan shall be required, provided however that the term “property” shall refer only to the parcel for which the exemption is requested. The parcel and vegetated pervious area must meet all of the following criteria:
- a) It must have at least 150 feet distance from the edge of the impervious surface to the property line, for each ESU on the parcel; and must be at least 50 feet in width for its entire length;
  - b) The pervious area must be located downhill from the impervious area, between the impervious area and the property boundary; and configured so that all storm water from the impervious area flows to the pervious area;
  - c) Storm water runoff must not be concentrated, piped, or channelized in the pervious area, but instead must flow uniformly over the vegetated surface (“sheet flow”);
  - d) The pervious area must have sufficient established vegetation over its entire area to slow the flow, and prevent erosion.

**C. SERVICE REQUEST FEES**

The following are fees charged for services requested or required to be performed by the District. In each case, the fee is established based upon the estimated actual cost, as defined in Ordinance 28, of performing the service or making the service available. Service request fees, copying charges and similar customer service charges are due and payable at the time such services are provided. The District may require payment at the time the service or product is delivered.

## **1. Customer Assistance Charges**

Copies of District maps, publications and other documents provided by the District shall be charged at actual cost. Maps, publications and copy fees shall be waived for all government entities providing there is a reciprocal waiver of such fees. No charge shall be made for providing information as to sewer availability and lateral location.

## **2. Easement Fees**

### **a. Vacation (Release) and Consent to Release Fee**

Easement vacation and consent to release fees shall be charged for the investigation, review and preparation of the necessary documents; and approval and recording of the documents for the legal termination of an easement. Owners of properties that have been paid for an easement who request vacation of the same easement or a portion thereof may be required to pay to the District a like amount for the easement in addition to this fee.

### **b. Encroachment Agreement Fees**

Encroachment agreement fees shall be charged for the investigation and preparation of the necessary documents; and review, approval and recording of the necessary documents allowing an encroachment on an easement.

## **3. Private Stormwater Facilities Agreement Recording Fee**

Recording fees shall be charged for each Private Stormwater Facilities Agreement to be recorded with the County. This fee shall be charged each time a document must be recorded. It shall be paid in addition to regular construction plan review fees or connection permit fees.

## **4. Public Notice Fee**

Actual publication fees shall be charged for the public notice of an individual project or request, in addition to regular project application, review, and processing fees. This fee shall be paid by the applicant prior to associated project approval, permit issuance, or staff recommendations to the Board.

## **5. General Processing Fee**

A fee shall be charged for the submittal to appeal, or other service that requires District staff time and/or where action by the Board of Directors or Advisory Commission is requested. It excludes items covered by other fees and contracts.

## **6. Line Cleaning Fees**

Line cleaning fees shall be charged for cleaning of a portion of the sanitary or storm sewer line by District personnel when necessary to allow video inspection of the line.

## **7. Local Improvement District Fees**

### **a. LID Apportionment Processing Fees**

Apportionment processing fees shall be charged to cover the cost to the District for processing apportionments. The fee is charged as part of the application unless the apportionment is initiated by the District where it is added to the apportioned amount.

### **b. LID Initiation Fee**

Local improvement district initiation fee shall be charged to help defray the cost of the engineering feasibility study for all proposed LIDs which contain more than 50 percent undeveloped properties by area.

## **8. Local Sewer Improvement Fees**

- a. A Local Sewer Improvement Fee (LSI) is charged upon connection of a property identified as potentially benefited by a local public sanitary sewer line built in accordance with the District's Local Sewer Improvement program. LSI Fees collected by the District shall be used to reimburse the District and/or others for their contribution to the costs of constructing such local lines.

The LSI fee shall be assessed in accordance with District Ordinance 41 and revisions thereto.

- b. The District shall charge a Reimbursement Processing Fee (Processing Fee) to be retained by the District from the amount reimbursed to the party funding construction of a qualified LSI project. The Processing Fee is charged to the party funding construction of the qualified local sewer improvement to cover the District's costs in administering the LSI reimbursement program.

## **9. Contracted Services**

Contracted services provided by District personnel shall be addressed as part of the executed contract for services. Contracts shall provide for payment to reimburse costs of labor and other personnel expenses (see OPE below) on an actual individual basis, and additional actual material costs as applicable.

## **10. Miscellaneous Fees**

Except for services specified in Section III, C.8 above, any other services performed by District personnel for which a fee is not specified in this Resolution and Order shall be charged at the employee's salary rate plus the cost of other personnel expenses (see OPE below) for actual time spent on the service (minimum 0.25 hours), plus the cost for materials and District equipment used. There will also be a charge per page for copying pertinent documents.

## **11. Other Personnel Expenses (OPE)**

Expressed in terms of a percentage of an employee's base salary, the additional actual employee costs, including but not limited to health insurance, retirement, vacation, sick leave, and workers compensation costs, and social security taxes.

## **12. Payment Service Fee**

A payment service fee may be charged to offset the costs associated with District's acceptance of credit card payments for permit and service request fees.

## **13. Permit Processing Fee**

A Permit Processing Fee shall be charged for issuance of all permits which do not have a separate application fee. The Permit Processing Fee shall also be charged on permits which do not result in any other charges, such as permits that are issued on lots which carry connection credits.

## **14. Physical Connection to Public Facilities (Line Tap Fees)**

Line tap fees shall be charged for installation of a connection of a private lateral or side sewer to the public facilities of the District. The amount of these fees reflects the actual cost of installing connections from private facilities to public facilities, based upon the average cost to the District of performing such work. Line Tap Fees are not System Development Charges.

## **15. Refund Fee**

A refund fee shall apply to requests for refunds, except for overpayment of service charges. Refunds for just cause as determined by the District shall be granted provided that a written request for refund is received not later than one year after the charge was paid, and is accompanied by a refund fee.

The refund fee shall be the General Processing Fee. In addition to the refund fee, the District shall deduct the costs of actual work performed from the amount of the refund, as defined under "Miscellaneous Fees." Refunds due to a bona fide and verifiable error or omission on the part of the District or another public agency shall not be subject to a Refund Fee or Miscellaneous Fee, or the one year refund limitation.

## **16. Regional Stormwater Management Charge (RSMC)**

- a. Authority – Regional Stormwater Management Charge charges shall be made in accordance with Ordinance 40.
- b. A Regional Stormwater Management Charge (RSMC) shall be charged to a Developing Party when properties are developed that use publicly-funded Regional Stormwater Approach Projects (RSAP) for stormwater runoff management. The RSMC shall be based

on the RSAP costs and RSAP treatment volume for all publicly-funded RSAP constructed to date and shall be indexed for Public Investment Protection.

District shall collect the applicable RSMC from the Developing Party when a permit is issued that allows development on a parcel served by a RSAP. The RSMC to be paid shall be based on the volume of stormwater management required for the proposed development. The volume of stormwater management a development will require shall be based on factors which include land use designation, lot size, and effective impervious area.

District shall impose and collect the RSMC associated with right-of-way improvements from the Developing Party at the time a site development permit is issued. District shall impose and collect the RSMC associated with development on individual lots from the Developing Party at the time the connection permit is issued.

c. RSMC Calculation for Residential Land Use

For residential land use types, including attached townhomes, the RSMC will be calculated using the actual lot size, the percentage impervious design factor and a factor to convert square footage to cubic footage in accordance with the following table and calculation:

**REGIONAL STORMWATER MANAGEMENT CHARGE  
IMPERVIOUS DESIGN FACTOR**

<b>Residential Land Use Zoning</b>	<b>Percent Impervious Design Factor</b>
R6	45%
R9	50%
R15	60%
R24	65%

**Lot size (SF) x Percent Impervious Design Factor x 0.131 CF/SF x RSMC**

d. RSMC Calculations for Multi-Family Residential and Non-Residential Land Use

For multi-family residential and non-residential land use types, including but not limited to, Institutional, Neighborhood Commercial, Neighborhood Commercial Mixed Use, apartments, condominiums, private drive aisles, Open Space, and Right-of-Way (ROW), the RSMC will be calculated:

**Actual impervious area (SF) x 0.131 CF/SF x RSMC**

## **17. Fee-In-Lieu of Construction of Onsite Stormwater Management Approaches**

A fee-in-lieu shall be charged for developments which meet the criteria of the District's Design and Construction Standards and which are not required to build on-site stormwater management approaches to address either water quality and/or hydromodification for all or a portion of the site. The amount of the fee-in-lieu shall be calculated based on the amount of unmanaged impervious service on the site.

Developments that do not construct either an on-site water quality approach or hydromodification approach, shall pay the combined fee-in-lieu. Projects constructing an approach meeting only the water quality requirement or the hydromodification requirement shall pay the corresponding fee-in-lieu.

## **18. Reimbursement District Application Processing and Review Fees**

### **a. Reimbursement District (RD) Application Processing Fee**

A non-refundable Reimbursement District Application Processing Fee shall be charged upon submittal of an application for the formation of a Reimbursement District. The Application Fee is charged to cover the District's costs in providing notice of public hearing and the District's examination and report.

### **b. Reimbursement District 2nd Notice and Review Fee**

If application to form a Reimbursement District is submitted prior to the installation of improvements, a Reimbursement District 2<sup>nd</sup> Notice and Review Fees shall be charged to the Developing Party to cover the District's costs in providing notice of public hearing and the District's examination and report of final cost information.

### **c. Reimbursement District Fee**

An RD Fee is charged upon connection of a property identified as benefited by an eligible project in accordance with the District's RD program. RD Fees collected by the District shall be used to reimburse the District and/or others for their contribution to the costs of constructing eligible projects.

The RD Fee shall be assessed in accordance with District Ordinance 41 or revisions thereto, and any Resolution and Order resulting in the formation of an RD.

### **d. Reimbursement District Administrative Fee**

The District shall charge an Administrative Fee to be retained by the District from the amount reimbursed to the party funding construction of the qualified RD project. The Administrative Fee is charged to the party funding construction of the qualified project to cover the District's costs in administering the RD program.



## **19. River Ranger Program Materials Fees**

The River Ranger Program Material Fees shall be charged for provision of River Ranger instructional materials for use in teaching grade school student about wastewater treatment, water conservation, and surface water pollution. Such fees are based on the cost of making the materials available. The fees shall not apply for provision of materials to educational programs within the Tualatin River Basin, to the extent sufficient supplies of materials are available. The fees consist of:

a. River Ranger Basic Program Materials Charge

The charge made for the River Rangers Program Packet, sold in units of 250 packets, which consists of an illustrated booklet, stickers and magnet.

b. River Rangers Instructional Video and Script Charge

The charge made for the River Rangers Instructional Video and Script, which consists of a 30 minute video guide to teaching the River Rangers Program, and a script upon which teachers may base their presentations.

c. River Rangers Poster Set Charge

The charge made for the River Rangers Poster Set, which consists of fifteen (15) instructional posters that may be used as visual aids in teaching the River Ranger Program.

## **20. Special Publications and Materials Fees**

The Special Publications and Materials Fees shall be charged for documents, audio and video tapes, and other materials produced for a special purpose, in limited quantity, or by any special printing or production method. Fees for these materials shall be based on the unit cost of producing an entire production run.

The Chief Executive Officer may provide special publications without charge at District-sponsored meetings and programs, and to persons or groups having a special interest in the subject, or to promote public information.

## **21. Stormwater Material Handling Fees**

a. Stormwater Material Recovery Fees

- 1) Stormwater material recovery fees shall be charged to co-implementers who elect to use the Regional Stormwater Material Recovery Facility (RSMRF) to process street sweeping material and storm system vector material collected while performing storm system maintenance activities under the District's MS4 permit or other approved maintenance activities. The stormwater material recovery fees are based

on the costs for handling, processing, loading, and beneficial use or disposal of the material

- 2) Stormwater Material Recovery Fees shall be charged based on the type of material processed, i.e., vactor material or street sweeping material. Storm system vactor material includes material collected from maintenance activities typically performed by a vactor truck such as catch basin cleaning, water quality manhole cleaning, and storm line cleaning.
- 3) Users are responsible for delivering collected material to the RSMRF. Use of the RSMRF by other entities is not permitted unless working under contract with one of the co-implementers within the District's service area or upon District written approval.

b. Stormwater Material Hauling Fee

- 1) A stormwater material hauling fee shall be charged to co-implementers who request District assistance with hauling partially dewatered storm system vactor and/or street sweeper material to the Regional Stormwater Material Recovery Facility (RSMRF). The stormwater material hauling fee includes District's delivery of empty box(es) and pick up and delivery of full box(es) to the RSMRF. Invoicing shall be based on time recorded on District work orders and include labor, OPE, equipment, material, and applicable overhead.
- 2) Agencies are responsible for loading material in a box container compatible with the District's hook lift trucks. Vactor material and street sweeper material must be kept separate. This service is not available for private entities unless working under contract with one of the co-implementers within the District's service area.

c. Non-Stormwater Material Recovery Fee

- 1) Non-stormwater material recovery fees shall be charged to co-implementers who elect to use the Regional Stormwater Material Recovery Facility (RSMRF) to process non-stormwater material (e.g. hydro-excavation, mixed loads) collected while performing maintenance activities under the District's MS4 or NPDES permit or other approved maintenance activities. The non-stormwater material recovery fee is based on the cost for handling, processing, loading, and disposal of the material
- 2) Users are responsible for delivering collected material to the RSMRF. Use of the RSMRF by other entities is not permitted unless working under contract with one of the co-implementers within the District's service area or upon District written approval.

## **22. Vegetated Corridor Payment to Provide**

The Vegetated Corridor (VC) Payment to Provide shall be charged as mitigation for impacts to vegetated corridors on development projects - Districts Design and Construction Standards.

The Vegetated Corridor Payment to Provide is calculated based on the square footage of vegetated corridor required to be mitigated but which is not otherwise mitigated on or off site by the applicant.

## **23. Vegetated Corridor Enhancement Fee**

Users of properties for which VC enhancement is required as a condition of development, or desired by the user, may request District implementation of VC enhancement in exchange for payment of the Vegetated Corridor Enhancement Fee.

The District will evaluate each request, and may accept or deny based on proximity to other District projects, staffing capacity, and programmatic goals and efficiency. To qualify, an applicant must also set aside and protect the VC as required by the Design and Construction Standards.

The Vegetated Corridor Enhancement Fee is calculated using the area to be enhanced based on corridor condition as defined in the Design and Construction Standards.

## **24. Rock Creek RV Dump Fee**

A dumping fee shall be charged to users of the RV dump at the Rock Creek Advanced Wastewater Treatment Facility to cover the cost of site management and waste treatment. The fee applies to all users including, but not limited to, recreational vehicles (RVs), food trucks, carpet cleaning trucks, and medical services vehicles. The fee also applies regardless of the type of waste disposed of at the dump. Users may choose to pay either a separate fee each time they use the dump or an annual fee that will cover all usage of the dump that occurs within a given year.

## **D. REVIEW AND INSPECTION FEES**

Review and inspection fees shall be charged for review and inspection of plans, construction, facilities, and other activities regulated by the District.

### **1. Inspection Fees**

- a. Erosion Control Inspection Fee for Construction Sites not Requiring District Site Development Permit

An Erosion Control Inspection Fee shall be charged for District inspection of measures installed to control erosion and adherence to erosion control rules on construction sites which do not require a District-issued Site Development Permit. Permits for work on

lots which depend on or impact other lots, such as townhomes with shared walls or shared stormwater facility and associated conveyance, must be issued at the same time.

b. Erosion Control Only Fee (for Development Sites without Infrastructure or Vegetated Corridor Improvements)

An Erosion Control Only Inspection Fee shall be charged for District inspection of measures installed to control erosion and adherence to erosion control rules on construction sites which require a District-issued Site Development Permit, but do not have any infrastructure or vegetated corridor improvements.

c. Erosion Control Only Fee for Construction Sites Requiring Subsequent District Site Development Permit (Early EC Inspection Fee)

An Erosion Control Only Inspection Fee shall be charged for District inspection of measures installed to control erosion and adherence to erosion control rules on construction sites which have received an Erosion Control Only permit allowing limited work in advance of a District Site Development Permit. The fee shall cover routine inspection of the site for a period of up to three months. If approved, additional Erosion Control Only Inspection Fees shall be charged at three month intervals until a Site Development Permit is issued. The fee shall not be prorated or refunded.

d. Site Development Inspection Fee

A Site Development Inspection Fee shall be charged for District inspection of site development construction activities associated with erosion control, sanitary sewer and storm water infrastructure, water quality facilities, and vegetative corridor enhancement on residential, commercial, and industrial developments requiring a site development permit.

Inspection fees for industrial or commercial subdivisions over 10 acres and resulting in lots greater than 20,000 square feet, shall be charged based on the graded portion of the site.

e. Stormwater Inspection Fee (Non Site Development)

A Stormwater Inspection Fee shall be charged for District inspection of the construction of water quality approaches on project sites which do not require a District-issued Site Development Permit, or for construction of water quality approaches that are identified in a Site Development Plan, but are constructed with improvements on the lot subsequent to Site Development. This fee shall be charged for inspection of all water quality approach(es) reviewed and approved as part of a single stormwater management plan.

f. Line Tap Inspection Fee

A Line Tap Inspection Fee shall be charged for inspection of the connection of a private lateral or side sewer to the public facilities of the District.

g. Disconnection Inspection Fee

A Disconnection Inspection Fee shall be charged for inspection of disconnection from the public sanitary sewer system in accordance with Ordinance 29 and for inspection of disconnection from the public storm and surface water system in accordance with Ordinance 40.

h. Re-inspection Fee

A Re-inspection fee shall be charged

1. If inspectors are requested or required to visit a site to perform an inspection before erosion control measures or infrastructure to be inspected are in place, or
2. If an inspection is requested before corrections from a previous inspection are made, or
3. If a Food Service Establishment (FSE) fails an inspection for Fat/Oil/Grease (FOG) abatement and must be re-inspected, or
4. If more than two Deficiency Notices (DN) have been posted on a project, multiple lots with a common owner within a single subdivision/partition, or an individual PE permit, the Re-Inspection Fee shall be charged for each follow-up site inspection following the third DN to verify the site has been brought into compliance, or
5. If a Stop Work Order is posted on the site, a Re-inspection Fee shall be charged for each follow-up site inspection to verify the site has been brought into compliance.

Re-inspection fees are applicable for all inspection tasks including but not limited to erosion control, infrastructure improvement, water quality facilities, grease removal device maintenance, and vegetated corridor enhancement and mitigation.

i. Warranty Period Re-inspection Fee for Proprietary Treatment Systems

Proprietary Treatment Systems (PTS) shall be maintained by the applicant at six month or shorter intervals during the two year maintenance bonding period. The applicant shall provide an annual summary report certifying maintenance of PTS for proper function. The District will inspect these systems at six month intervals during this period.

If components of the PTS are found to need maintenance or replacement during this period, a Warranty Period Re-inspection Fee shall be charged for each vault or

proprietary catch basin where an additional inspection is required to verify that the components have been maintained or replaced.

j. Extended Warranty Inspection Fee

An Extended Warranty Inspection Fee shall be charged if the warranty period is required to be extended due to incomplete infrastructure repairs or planting. The fee shall cover necessary additional inspections for a period of six months. Additional Extended Warranty Inspection Fees shall be charged at six month intervals until the site completes the warranty period in accordance with District Design and Construction Standards. The fee shall not be prorated or refunded.

k. Reconnection Inspection Fee

A Reconnection Inspection Fee shall be charged for inspection of physical reconnections of laterals to the public sanitary or storm sewer systems. If the re-establishment of service does not require a physical reconnection, the fee shall be the Permit Processing Fee.

l. Special Investigation Fee

Special Investigation Fees shall be applied to activities which require an erosion control permit, but which are started without having a valid erosion control permit. This fee is in addition to the regular permit fee and is to cover the costs the District incurs in its investigation of the work and evaluation of remedial proposals necessitated by the work.

m. Inspection Overtime Fee

An Inspection Overtime Fee shall be charged when District staff has been requested, in writing by the owner or owner's representative, to perform inspections outside normal business hours. A request to perform overtime shall also authorize the District to bill the owner for the actual overtime hours spent on the project. Payment of all overtime charges shall be made prior to construction approval.

Performance of overtime inspections shall be at the discretion of the District and subject to the availability of staff. An overtime request shall not guarantee the performance of overtime inspection.

n. DEQ 1200-C and 1200-CN Erosion Control Permit Fee

Through an agreement with the Department of Environmental Quality (DEQ), the District acts as DEQ's agent in receiving registration applications for the General Permit 1200-C and 1200-CN for the control of storm water associated with construction activities where required by DEQ. Persons developing property within the District who

would be required to obtain a DEQ 1200-C or 1200-CN permit shall obtain the appropriate Erosion Control Permit from the District or City, and pay the required fee.

## **2. Industrial Plans/Process Review Fees**

Industrial plans/process review fees shall be charged when the complexity of the plan/process of an industrial user applicant requires, in the District's discretion, review before a permit may be issued. This fee shall be based on the cost of personnel (including OPE as set forth in Section III.C.11) times the number of hours spent in reviewing the plans.

## **3. Industrial Wastewater Discharge Permit Fees**

Industrial Wastewater Discharge Permit fees shall be charged to industrial users required to obtain wastewater discharge permits pursuant to the District's industrial user pretreatment rules (See R&O 09-1). There are three types of Industrial Wastewater Discharge Permits:

- a. Reporting permits are issued to industrial users which are required to submit wastewater discharge reports more frequently than once every six months.

An industrial user is also required to obtain a connection permit for any non-industrial portion of the establishment such as toilets, sinks, floor drains, and other fixtures, and pay applicable SDCs.

- b. Non-reporting permits are issued to industrial users which are not required to report wastewater discharge information more frequently than once every six months.
- c. Short Term Industrial Wastewater Discharge Permits are required for users which have short term temporary discharges of wastewater to the sanitary sewer system, as defined in Section I. These users are not required to pay connection charges except as provided in Section III.A.1.b.3.a

## **4. Site Development Plan Check Fees**

- a. Plan Check Application Fee

A Plan Check Application Fee shall be charged to intake and set up project review folders for projects required to obtain a District Site Development Permit, and for review and processing of Erosion Control Only Permits for sites otherwise requiring a District Site Development Permit. The Plan Check Application Fee shall be charged at the time plans are submitted for initial review and is non-refundable.

- b. Plan Check Fee

A Plan Check Fee shall be charged for District review of up to three plan submittals on all development projects requiring a District Site Development Permit. The Plan Check Fee shall be collected at time of the site development permit issuance.

c. Plan Check Resubmittal Fee

A Plan Check Resubmittal Fee shall be charged at the time of each submittal in the following situations:

- 1) If a development project requiring a District Site Development Permit requires more than three plan submittals for review. A Plan Check Resubmittal Fee shall be charged for every submittal beyond three, unless such resubmittals are required solely due to the District's failure to have identified significant design flaws apparent in previous submittals.
- 2) If plans previously reviewed and approved or approved as noted by the District are subsequently phased or substantially changed, when such change requires additional review or administrative action by the District.

d. Plan Check Overtime Fee

A Plan Check Overtime Fee shall be charged when District staff has been requested, in writing by the owner or owner's representative, to perform plan checks outside normal business hours. A request to perform overtime shall also authorize the District to bill the owner for the actual overtime hours spent on the project. Payment of all overtime charges shall be made prior to plan approval.

Performance of overtime plan checks shall be at the discretion of the District and subject to the availability of staff. An overtime request shall not guarantee the performance of overtime plan checks or expedited review during normal business hours.

**5. Stormwater Review Fee (Non Site Development)**

a. Stormwater Review Fee for projects which do not require a Site Development Permit

A Stormwater Review Fee shall be charged for District review of projects which result in the creation or modification of 1,000 square feet or more of impervious surface, but do not require a District Site Development Permit. The Stormwater Review Fee shall be collected at time permit issuance, and shall be charged for review of a stormwater management plan for one or more lot.

b. Stormwater Review Fee for projects with facilities constructed subsequent to Site Development

A Stormwater Review Fee shall be charged for District review of water quality approaches which are identified in a Site Development Plan, but constructed with individual lot improvements subsequent to Site Development. The Stormwater Review Fee shall be collected at time of permit issuance, and shall be charged for review of a stormwater management plan for one or more lot.



## **6. Site Certification, Site Assessment and Alternatives Analysis Review Fees**

The Site Certification, Site Assessment and Alternatives Analysis Review Fees shall be charged for customers requiring a Service Provider Letter or site certification concurrence in accordance with the District's current Design and Construction Standards.

### **a. Basic Site Certificate Concurrence Fee**

A Basic Site Certification Concurrence Fee shall be charged for activities on properties where there is no sensitive area or vegetated corridor on or adjacent to the site, for activities where a Simplified Site Assessment may be used or for activities relating to existing single family residences, (e.g. decks, patios, additions, etc.)

### **b. Site Assessment Application and Base Review Fee**

A Site Assessment Application and Base Review Fee shall be charged for development activities on properties where there is sensitive area or vegetated corridor on or adjacent to the site requiring a Standard Site Assessment in accordance with the District's Design and Construction Standards, and where such activities do not result in impact to the sensitive area or vegetated corridor. The Site Assessment Application and Base Review Fee shall be due at the time of initial submittal.

### **c. Minor Encroachment/ Allowed Use Certification Fee**

A Minor Encroachment/Allowed Use Certification Fee shall be charged for issuance of a Service Provider Letter authorizing development activities which are classified as a minor encroachment or an allowed use as defined in the District's current Design and Construction Standards. The Minor Encroachment/Allowed Use Certification Fee is in addition to the Site Assessment Application and Base Review Fee and shall be due at the time the Service Provider Letter is issued.

### **d. Tiered Alternative Analysis Review and Certification Fee**

A Tiered Alternative Analysis Review Fee shall be charged for issuance of a Service Provider Letter authorizing development activities which are classified as Tier 1, Tier 2 or Tier 3 encroachments as defined in the District's current Design and Construction Standards. The Tiered Alternative Analysis Review and Certification Fee is in addition to the Site Assessment Application and Base Review Fee and shall be due at the time the Service Provider Letter is issued.

### **e. Service Provider Letter Amendment Fee**

Unless specifically waived in writing by the District, a Service Provider Letter Amendment Fee shall be charged for each adjustment to the Service Provider Letter requested by the applicant or required due to changes in the plans. The Service Provider Letter Amendment Fee shall be charged at the time of the submittal. If the

requested adjustment results in a higher level of encroachment, the difference in the Review and Certification Fee listed in 5.b – 5.d above shall be charged in addition to the Amendment Review Fee and shall be due at the time the Amended Service Provider Letter is issued. If the requested adjustment results in a lower level of encroachment, Amendment Review Fee shall be charged and no refund or credit will be applied.

A separate Service Provider Letter Amendment Fee shall be charged for each of the following situations:

- 1) Minor Amendment (first request): Changes to the Service Provider Letter which do not result in altering more than 100 square feet of Vegetated Corridor encroachments.
- 2) Major Amendment (first request): Changes to the Service Provider Letter which result in altering more than 100 square feet of encroachment or which require modifications to the Natural Resource Assessment.
- 3) Additional Amendment Requests: All subsequent Service Provider Letter amendments regardless of whether the amendment is Minor or Major.

#### **7. Model Home Application Review Fee**

A Model Home Application review fee shall be charged for requests for connection permits for model homes prior to Substantial Completion of the development in accordance with the Districts Design and Construction Standards. The fee shall cover staff time associated with the plan review, site evaluation, and permit processing. The fee is in addition to all applicable connection fees and is a lump sum for all model homes requested in a single application and will be charged at time of application.

#### **8. Product Approval Review Fee**

A Product Approval Review Fee shall be charged to manufacturers seeking approval of products for use as an acceptable material or system for the sanitary sewer or stormwater management systems. The fee shall be charged for each product reviewed for technical evaluation of the product, removal efficiency, reliability, and ease of maintenance. The fee also covers costs associated with training and distributing product specific information.

#### **9. Natural Resources and Economic Development Services Planning Review Fee**

A Natural Resources and Economic Development Services Planning Review Fee shall be charged for customers requesting District review of proposed industrial or commercial economic development sites involving unusual size or scheduling demands. This review fee will also be applicable for projects requiring natural resource data, service information and planning studies prepared for properties which are not yet in the District's service boundary but are proposed to be added to the District's service area within the near future. District's review shall be limited to providing guidance on how the District's current Design and

Construction Standards might apply to such properties and does not constitute approval or acceptance of any study, data, or plan.

#### **10. Special Waste Monitoring Fees**

Special waste monitoring fees shall be charged for customers who discharge special wastes into the District system. This monitoring fee shall be charged at the rate of time (at the District employee's salary rate) and materials plus the current District personnel support and other personnel expense rate (See Section III.C.11).

#### **11. Surface Water Management Charges Investigation Fee**

Persons requesting a reduction or waiver of surface water management monthly service shall pay an investigation and review fee. The fee shall be paid at the time of application. If the request is made as a part of the submittal of engineering plans where plan review and inspection fees are collected by the District, the fee shall not apply.

#### **12. Video Inspection Fees**

Video inspection fees shall be charged for video inspection by the District of a sanitary or storm sewer line during or upon completion of construction of the line.

#### **13. Temporary Non-Industrial Discharge Review Fee**

A Temporary Non-Industrial Discharge Review Fee shall be charged for each temporary discharge of stormwater, surface water, ground water, or sanitary sewage to the sanitary sewer or storm conveyance system. Each occurrence requires review and approval by the District. Temporary discharges may include, but are not limited to, water from environmental remediation sites, waterline testing, groundwater well rehabilitation, construction site dewatering, and sanitary sewage discharges from temporary placement of construction trailers.

### **E. INTEREST-DELINQUENCY-PENALTIES**

#### **1. Payment Due**

- a. Payment for user charges for the sanitary sewer and surface water management system shall be due after receipt of service, as provided by the invoice and applicable ordinance. Except as specifically provided otherwise by Ordinance, in this Resolution and Order or by contract, payment for any other service, product, permit or other assessed charge is due and payable prior to receipt to the service or product, issuance of the permit or delivery of the requested publication or document.
- b. A payment is deemed delinquent if not paid by the due date specified on the invoice or in a contract regarding payment for services.

- c. Any fee associated with a connection permit, erosion control activities or similar permit authorizing an activity will accrue and be due upon commencement of the activity requiring the permit, even though a permit may not have been obtained.
- d. Subject to Section III.E.4 (Service Charge Adjustments and Payment Agreements), in the event no service charge invoice is sent, the service or user charge shall accrue from and be due at the time service commenced and/or connection to the District sanitary and surface water systems were made.
- e. Amounts owing of less than \$10.00 must be paid prior to delivery of any requested service or product unless it is for a monthly service charge billed on a regular, scheduled billing system.

## 2. Charges for Late Payment

Any delinquent fee or charge is subject to interest and delinquency charges or late payment charges, or termination of water service for nonpayment, as provided in this subsection and applicable ordinance. Member cities may apply the provisions of this subsection or adopt any other lawful program to address and collect delinquent charges and to encourage timely payment.

### a. Interest Charge

Interest charges will be assessed at the rate set forth herein or at the rate adopted by and assessed by any member city. Interest shall accrue from the day after the due date. Interest shall apply to all service charges and invoiced charges incurred prior to July 1, 1994; and to service charge billings to industrial accounts incurred on or after July 1, 1994. In addition, interest as provided in this subsection shall apply to any other invoiced charge unless otherwise provided by contract.

### b. Delinquency Charge

Delinquency charges equal to 10 percent of the fee plus accrued interest shall commence 120 days following the date on which payment became due. After 180 days, an additional 15 percent of the unpaid fee, interest and accrued delinquency charge will be assessed. Interest and Delinquency charges under Section III.E.2.a and b will only be assessed against accounts which:

- 1) Have an outstanding balance for services provided prior to July 1, 1994, or,
- 2) Are accounts of industrial method customers.

### c. Late Payment Fee

The late payment fee shall be charged for user charges, imposed after July 1, 1994, except:

- 1) Those charged to industrial method users, and
- 2) Those charged to users served by a water purveyor with which the District has an agreement to shut off water service for delinquent user charge payment; imposed on or after July 1, 1994, for which payment is made later than fifteen (15) days from the due date on the invoice. The late payment fee shall be two (2) percent of the outstanding balance as of the due date on the invoice. A separate late payment fee shall be imposed for each billing period in which user charges remain delinquent.

### **3. Penalty for Unauthorized Activities Requiring a Permit**

Except as provided otherwise by ordinance, any proven, intentional use of the District's collection and treatment systems or commencement of an activity which requires a permit, without proper authority and payment of the related fees and charges will subject the party to a penalty in the amount of \$100 or 200 percent of the regular charge, whichever is greater.

Any penalty shall be in addition to the collection of the regular fee or charge, and any other fines, penalties, damages, or other legal remedies available to the District.

### **4. Service Charge Adjustments and Payment Agreements**

- a. Upon request of a customer or discovery by the District, the Chief Executive Officer or designee(s) may make adjustments to sanitary sewer and surface water management service charge accounts for good cause pursuant to written policies. Good cause shall include but is not limited to, correction of user or account information, failure of the District to send a bill, demonstrated failure of a user to receive a bill, failure of a prior user to pay a bill relating to the same service address, application of average winter water consumption to the calculation of the sewer use charge, correction of measurement of either fixture unit or equivalent service units, adjustments in the time in which the requester was the user. Adjustments may not exceed two years, unless otherwise approved by the Chief Executive Officer.
- b. Account adjustments may include waiver of applicable delinquency charges, late payment charges, interest, and service charges. The District may require a customer requesting the adjustment to utilize a prescribed form, and to provide information and appropriate documentation. The District shall attempt to notify the customer within a reasonable time as to the disposition of their request, including the effective date of any correction or adjustment.
- c. The Chief Executive Officer or designee(s) may approve, in writing, account adjustments pursuant to Section III.E.4.a and Section III.E.4.b above. Adjustments made to correct an error or omission may be made in any dollar amount. Other account adjustments may be made in amounts less than or equal to \$10,000 per account. The Chief Executive Officer may delegate this authority to one or more District employees, in writing, specifying the individuals or positions having such authority, any review protocols, and

the dollar amounts authorized. Adjustments greater than \$10,000 per account, other than correction of errors or omissions, shall be subject to approval by the Board.

- d. Written, legally binding, payment agreements and payment extensions relating to service charges, interest, delinquency, and late payment charges may be made with customers under all the following conditions that apply:
  - 1) Payments will be made with the regular billing for service charges or on other specified dates,
  - 2) Terms regarding principal amount, interest, delinquency and late payment charges are included,
  - 3) Current charges will be paid when due,
  - 4) The term of the agreement will not exceed three years,
  - 5) User has provided security as deemed appropriate by The District and,
  - 6) The agreement is signed by the user or other responsible party, and the form of the agreement is acceptable to the District.

The Chief Executive Officer or designee(s) may approve agreements under this subsection for up to \$10,000 per account, and may delegate such authority to District staff in the same manner as on Section III.E.4.c.

- e. Adjustments, extensions, and payment agreements may be approved under this Section III.E.4 in cases when a determination is made that such action is:
  - 1) To correct an error or omission; or
  - 2) In the best interests of District ratepayers in obtaining the maximum net return, considering the cost and probable return of further collection efforts, including lack of reliable or provable information; or
  - 3) Otherwise consistent with any written policies relating to collection of service charges.

## APPENDIX A-FEES AND CHARGES

Type of Fee	Amount
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### A. SYSTEM DEVELOPMENT CHARGES

The maximum System Development Charge Rate is updated annually based on the Engineering News-Record (ENR) construction cost index for the 20 city average.

#### 1. Sanitary Sewer System Development Charges

- |    |                                |   |
|----|--------------------------------|---|
| a. | Connection fee                 | \$5,800.00 Total per DU or DUE  |
|    | Reimbursement portion          | \$3,480.00 per DU or DUE  |
|    | Improvement portion            | \$2,320.00 per DU or DUE  |
| b. | Temporary Sewer Connection Fee | (# of years discharging x<br>(Reimbursement + Improvement)<br>per DUE) / 20-year life |

#### 2. Storm and Surface Water System Development Charge (SDC) and Credits

- |    |   |                    |
|----|---|--------------------|
| a. | Total SDC   | \$560.00 per ESU   |
| b. | Maximum Storm and Surface Water SDC Credits                             |                    |
|    | 1. Maximum Credit for Construction of On-Site Water Quality Facilities  | 45% of SDC per ESU |
|    | 2. Maximum Credit for Construction of On-Site Water Quantity Facilities | 55% of SDC per ESU |

### B. SERVICE CHARGES

#### 1. Sewer Service Charge

- |    |  |   |
|----|--|---|
| a. | Consumption based method                               | Base Charge - \$30.03 per DU or DUE per month<br><br>Use Charge - \$1.99 per CCF per month for Individual customer winter average |
| b. | Estimated system wide average winter water consumption | 8.0 CCF/DU or DUE /month  |
| c. | Industrial Category II-Minor                           | \$3.37/100 cu. ft., plus standard commercial service charge for sanitary & domestic use.  |

Type of Fee	Amount
Industrial Category III Major	\$3.37/100 cu. ft. of metered discharge; plus \$0.173 per pound COD over 800 mg/L; plus \$0.264 per pound SS over 400 mg/L; plus standard commercial service charge for sanitary and domestic use.
d. Liquid Waste/Septage Waste (Including Domestic Septage, Chemical Toilet Waste and Short Term Temporary Discharges	\$0.170 per gallon
e. Sludge Waste Charges	
1. Primary	\$0.1155 per gallon
2. Activated	\$0.2376 per gallon
3. Trickling Filter	\$0.1282 per gallon
4. Mixed	\$0.2179 per gallon
<b>2. Storm and Surface Water</b>	
a. Service Charge	\$9.25/ESU per month
b. Temporary Storm Water Discharge	(Estimated months of discharge x (affected area/2,640) x Storm and Surface Water Charge Section III.B.2.a) + Erosion Control Fees
<b>C. SERVICE REQUEST FEES</b>	
<b>1. Customer Assistance Charges</b>	
a. Color plotting of existing maps	\$7.50 per sheet (up to 36in x 44in)
b. Customized mapping	\$45.00 per hour
c. File/Record Search	\$45.00 per hour (minimum of \$10.00)
d. Photocopies	
1. 8 ½ x 11	\$0.25 per copy
2. 11 x 17	\$0.50 per copy
3. Large Format greater than 11 x 17	\$2.00 per copy



Type of Fee	Amount
<b>2. Easement Fees</b>	
a. Vacation (Release) and Consent to Release Fee	\$400.00 includes recording fees (\$96.00) for each Document that has to be recorded for each property requesting the easement vacation
b. Encroachment Agreement Fee	\$400.00 includes recording fees (\$96.00) for each Document that has to be recorded for each property requesting the encroachment agreement
<b>3. Private Stormwater Facilities Agreement Recording</b>	
Fee Recording Fee for Private Water Quality Facility Maintenance Agreements	\$96.00
<b>4. Public Notice Fee</b>	Actual cost of publication requested.
<b>5. General Processing Fee</b>	\$25.00
<b>6. Line Cleaning Fee</b>	
a. Sanitary Sewer	\$0.48 per foot of line
b. Storm Sewer	\$0.73 per foot of line
<b>7. Local Improvement District (LID) Fees</b>	
a. LID Apportionment Processing Fee The total number of lots is determined after subdivision or partition	\$500.00 per lot with a minimum of \$500.00
b. LID Initiation Fee	\$500.00
<b>8. Local Sewer Improvement (LSI) Fees</b>	
a. LSI Fee	\$19,900 per connection
b. Reimbursement Processing Fee	\$50.00 per direct connection deducted from the amount reimbursed to the party funding construction of the qualified LSI project.
<b>9. Contracted Services</b>	As defined in Section 1.14 and Section III.C.9

Type of Fee	Amount
<b>10. Miscellaneous Fees</b>	As defined in Section III.C.10
<b>11. Other Personnel Expense (OPE)</b>	59.23% of Employee Salary
<b>12. Payment Service Fee</b>	3% of the amount charged
<b>13. Permit Processing Fees</b>	\$75.00
<b>14. Physical Connection (Line Tap) Fee</b>	
a. Sanitary	\$950.00 per tap
b. Storm	\$350.00 per tap
<b>15. Refund Fee</b>	\$25.00 plus costs defined in Section III.C.15
<b>16. Regional Stormwater Management Charge (RSMC)</b>	\$8.36 per cubic foot of required volume management
<b>17. Fee-In-Lieu of Construction of Onsite Stormwater Management Approaches</b>	
a. Water Quality Fee-In-Lieu	\$1.00 per SF of unmanaged impervious area
b. Hydromodification Fee-In-Lieu	\$1.00 per SF of unmanaged impervious area
c. Combined Water Quality and Hydromodification Fee-In-Lieu	\$1.50 per SF of unmanaged impervious area
<b>18. Reimbursement District (RD) Fees</b>	
a. RD Application Fee	\$940.00
b. RD 2 <sup>nd</sup> Notice and Review Fee	\$550.00
c. RD Fee	As set by RD R&O
d. RD Administrative Fee	As set by RD R&O
<b>19. River Ranger Material Fees</b>	
a. Basic Program Manuals	
250 packet units	\$325.00 for 1-3 units \$300.00 for 4 or more units
b. River Rangers Instructional Video and Script Charge	\$10.00 per copy
c. River Rangers Poster Set	\$420.00 per set

Type of Fee	Amount
<b>20. Special Publications</b>	Unit cost, as provided in Section III.C.19
<b>a. Digital Design and Mapping Files</b>	
1. Standard Details	\$10.00 full set
2. Standard Detail Updates	\$5.00 per disk
3. Mapping and database information	\$45.00 per hour
<b>b. Hydrologic &amp; Hydraulic (H&amp;H) Digital Files</b>	
1. Digital Terrain Model (DTM) single basin	\$10.00
2. DTM – entire watershed	\$25.00
3. H&H data set – includes HEC-RAS and HMS models, stream flow data, and water surface elevations	\$5.00
<b>c. Vegetated Corridor/Sensitive Area Sign</b>	
1. 12" x 18"	\$29.00 each
2. 4" x 4"	\$7.00 each
<b>21. Stormwater Material Recovery Fees</b>	
<b>a. Street Sweeping Material Recovery</b>	\$47.74 per ton
<b>b. Stormwater Vactor Material Recovery</b>	\$75.26 per ton
<b>c. Stormwater Material Hauling Fee</b>	\$136.10/hour; plus \$250/year for District-supplied box, if applicable
<b>d. Non-Stormwater Material Recovery</b>	\$75.26 per ton
<b>22. Vegetated Corridor Payment to Provide</b>	\$2,500 + \$2.22 per square foot of Mitigated area over 1,000 sq. ft.
<b>23. Vegetated Corridor Enhancement Fee</b>	
<b>a. Good Corridor Condition</b>	\$5,000 per acre
<b>b. Marginal Corridor Condition</b>	\$12,000 per acre
<b>c. Degraded Corridor Condition</b>	\$15,000 per acre
<b>24. Rock Creek RV Dump Fee</b>	\$5.00 per use or \$250.00 per year

Type of Fee	Amount
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**D. REVIEW AND INSPECTION FEES**

**1. Inspection Fees**

<b>a.</b>	Erosion Control Inspection Fee (Non Site Development)	
	1. New construction	\$400.00
	2. Additions, remodels, and demolitions disturbing less than 1,000 square feet	\$130.00
<b>b.</b>	Erosion Control Only Inspection Fee for Development Sites without infrastructure or vegetated corridor improvements	\$400.00 plus \$400.00 prorated for each acre over ½ acre
<b>c.</b>	Erosion Control Only Inspection Fee with Subsequent Site Development (Early EC Inspection Fee)	\$400.00 or ½ of the EC Only Fee, whichever is greater
<b>d.</b>	Site Development Inspection Fee	\$790.00 plus \$790.00 prorated for each acre over ½ acre
<b>e.</b>	Stormwater Inspection Fee (Non Site Development)	\$130.00 per project
<b>f.</b>	Line Tap Inspection Fee	\$130.00 per line tap
<b>g.</b>	Disconnection Inspection Fee	\$130.00 per disconnection
<b>h.</b>	Re-inspection Fee	\$65.00/hr with a minimum of \$130.00
<b>i.</b>	Warranty Period Re-inspection Fee for Proprietary Treatment System	\$65.00/hr with a minimum of \$130.00 per proprietary vault or proprietary catch basin
<b>j.</b>	Extended Warranty Inspection Fee	\$130.00 for each 6-mo extension
<b>k.</b>	Reconnection Inspection Fee	\$130.00 per reconnection
<b>l.</b>	Special Investigation Fee	\$65.00/hr with a minimum of \$130.00
<b>m.</b>	Inspection Overtime Fee	\$90.00/hr with a minimum of \$180.00
<b>n.</b>	DEQ 1200-C and 1200-CN Erosion Control Permit Fee	DEQ pass through fee

Type of Fee	Amount
2. <b>Industrial Plan/Process Review Fee</b>	\$42.00 per hour
3. <b>Industrial Wastewater Discharge Permit Fees</b>	
a. Reporting Permit Fee	\$300.00 upon issuance and upon each anniversary of permit issuance date
b. Significant Industrial User Fee (DEQ pass through)	\$637.00 upon issuance and upon each anniversary of permit issuance date
c. Non-reporting Permit Fee	\$100.00 upon issuance and upon each renewal of permit as determined by District pretreatment rules.
d. Short-term Industrial Wastewater Discharge Permit	\$75.00 per request
4. <b>Site Development Plan Check Fees</b>	
a. Plan Check Application Fee for Site Development Projects and EC Only permits on sites requiring subsequent site development permit	\$1,185.00
b. Plan Check Fee	4% of the cost of construction of developer provided storm and surface water, sanitary sewer, and vegetated corridor improvements
c. Plan Check Resubmittal Fee	\$460.00
d. Plan Check Overtime Fee	\$105.00/hr with a minimum of \$210.00
5. <b>Stormwater Review Fee (Non Site Development)</b>	
a. Stormwater Review Fee for projects which do not require a Site Development Permit	\$110.00 per request
b. Stormwater Review Fee for projects with facilities constructed subsequent to Site Development	\$55.00 per request
6. <b>Site Certification, Site Assessment and Alternatives Analysis Review Fees</b>	

Type of Fee	Amount
a. Basic Site Certificate Concurrence Fee	\$85.00
b. Site Assessment Application and Base Review Fee	\$600.00 due at submittal
c. Minor Encroachment/ Allowed Use Certification Fee	\$600.00 in addition to Base Review Fee. Due prior to SPL issuance
d. Tiered Alternative Analysis Review Fee	\$1,200.00 in addition to Base Review Fee. Due prior to SPL issuance.
e. Service Provider Letter Amendment Review Fee First Request	
a. Minor Amendment	\$150.00 + difference in fees
b. Major Amendment	\$600.00 + difference in fees
Additional Amendments Requests	\$800.00
7. <b>Model Home Application Review Fee</b>	\$350.00
8. <b>Product Approval Review Fee</b>	\$4,000.00
9. <b>Natural Resources and Economic Development Services Planning Fee</b>	\$115.00 per hour
10. <b>Special Waste Monitoring Fee</b>	See Section III.D.9.
11. <b>Surface Water Management Charges Investigation Fee</b>	\$110.00 per request
12. <b>Video Inspection Fee</b>	\$0.84 per foot of line
13. <b>Temporary Discharge Review Fee</b>	\$360.00 per occurrence
<b>E. DELINQUENCY AND INTEREST</b>	
1. <b>Interest Charge</b>	9% per annum, or as provided in Section III.E.2.a
2. <b>Delinquency Charge</b>	See Section III.E.2.b
3. <b>Late Payment Fee</b>	2% of overdue amount from most recent billing period

Type of Fee	Amount
4. NSF Checks	\$35.00 or as updated by ORS 30.701 (5) plus bank charge (currently \$6) for handling and collecting NSF checks
5. Invalid Electronic Transactions/Payments	\$35.00 per occurrence exceeding 3 of invalid electronic transaction/payment information provided by customer

**APPENDIX B**

**DISTRICT RATES AND CHARGES TO CITIES**

**For the Cities of Beaverton, Cornelius, Hillsboro, Forest Grove, Sherwood, Tigard, and Tualatin:**

**For those Cities adopting the Intergovernmental Agreement to assess Right of Way fees:**

**Sanitary Sewer Fee & Charge**

**Service Charge**

Monthly Sanitary Sewer Service Charges per DU and/or DUE:

	District Rate		City Right of Way Fee (0 to 5%)		Total \$
	Variable	Fixed	Variable	Fixed	
Base	N/A	\$25.11	N/A	\$0.00 to 1.26	\$25.11 to 26.37
Use	\$1.66/ccf avg winter water usage	N/A	\$0.00 to 0.08/ccf avg winter water usage	N/A	\$1.66 to 1.74/ccf avg winter water usage

**Storm and Surface Water Fee & Charge**

**Service Charge**

Monthly Storm and Surface Water Service Charges per ESU:

	District Rate	City Right of Way Fee (0 to 5%)	Total \$
Base	\$2.31	\$0.00 to 0.12	\$2.31 to 2.43

**Sanitary Sewer System Development Charge (Connection Charge)**

**\$5,800.00 PER DU OR DUE**

**Reimbursement**

District-Wide Portion

\$3,480.00 (Except as provided by Intergovernmental Agreement)

Local Portion

\$0.00

**Improvement**

District-Wide Portion

\$2,089.00

Local Portion

\$231.00

**Storm and Surface Water Fee & Charge Allocations**

**Erosion Control Fees**

100% to City (Except as provided by Intergovernmental Agreement)

**Plan Check Fee**

City Facility

100% to City

District Facility

100% to District

**Storm and Surface Water System Development Charge**

**\$560 PER ESU**

100% Local



For those Cities that have not adopted the Intergovernmental Agreement amendment assessing a Right of Way fee:

**Sanitary Sewer Fee & Charge Allocations**

**Service Charge**

Monthly Sanitary Sewer Service Charges per DU and/or DUE:

	Local Allocation		District-Wide Allocation		Total \$ or Rate Allocation
	Variable	Fixed	Variable	Fixed	
Base	N/A	\$4.92	N/A	\$25.11	\$30.03
Use	\$0.33/ccf avg winter water usage	N/A	\$1.66/ccf avg winter water usage	N/A	\$1.99/ccf avg winter water usage

Example: For an average residential sanitary sewer customer, based on an estimated 8 ccf of average winter water usage, the rates above will result in a monthly charge of \$45.95 (Base charge of \$30.03 and use charge of \$15.92).

<b>Sanitary Sewer System Development Charge (Connection Charge)</b>	<b>\$5,800.00 PER DU OR DUE</b>
<b>Reimbursement</b>	
District-Wide Portion	\$3,480.00 (Except as provided by Intergovernmental Agreement)
Local Portion	\$0.00
<b>Improvement</b>	
District-Wide Portion	\$2,089.00
Local Portion	\$231.00

**Storm and Surface Water Fee & Charge Allocations**

<b>Erosion Control Fees</b>	100% to City (Except as provided by Intergovernmental Agreement)
<b>Plan Check Fee</b>	
City Facility	100% to City
District Facility	100% to District
<b>Storm and Surface Water Service Charge</b>	\$9.25 per month per ESU
District-Wide Portion	\$2.31
Local Portion	\$6.94
<b>Storm and Surface Water System Development Charge</b>	<b>\$560 PER ESU</b>
	100% Local

Revenue for Banks, Durham, Gaston, King City, and North Plains will be allocated according to individual Intergovernmental Agreements.