

Chapter 17.60

WASTEWATER CHARGE

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17.60.010 Definitions.

The definitions set forth in Section 17.58.010 of this title shall, except as otherwise specifically defined in this section, apply with like force and effect to this chapter, together with the following definitions:

Nonresidential property shall mean any property other than residential property.

Normal wastewater shall mean wastewater which when analyzed shows by weight a daily average of not more than 300 parts per million (2,500 pounds) of suspended solids, not more than 250 parts per million (2,085 pounds) of BOD (or where biochemical oxygen demand cannot accurately be determined, a chemical oxygen demand greater than 400 parts per million (3,336 pounds)), and not more than 100 parts per million (834 pounds) of oil and grease, each per million gallons of daily flow.

P.P.M. (denotes parts per million) shall mean milligrams per liter.

Residential property shall mean a property consisting primarily, on an area basis, of one or more dwelling units.

Service charge shall mean the minimum charge per month to each property using the Lincoln Wastewater System determined by the number and size of water meters serving each property, regardless

of whether a wastewater meter is used. The service charge is intended to recover proportionate operation and maintenance costs associated with the sanitary sewer and related overhead costs, including meter reading and maintenance, billing, collection and customer accounting costs and ensures wastewater service to the property.

Total annual wastewater treatment and collection costs shall mean the total amount sufficient:

- (1) to meet the projected costs and expenses of the operation and maintenance of the wastewater system, including both the wastewater treatment and collection system facilities;
- (2) for the amortization of the indebtedness of said facilities; and
- (3) for additional costs as may be necessary to assure adequate waste collection and treatment on a continuing basis, all as pertaining to and reflecting the total operation of the Lincoln Wastewater System, as determined by the City Council for one fiscal year.

Total annual wastewater treatment costs shall mean the total amount sufficient:

- (1) to meet the projected costs and expenses of the operation and maintenance of the wastewater treatment facilities;
- (2) for the amortization of the indebtedness of said facilities; and
- (3) for additional costs as may be necessary to assure adequate waste treatment on a continuing basis, all as pertaining to and reflecting the total operation of the treatment facilities of the Lincoln Wastewater System, as determined by the City Council for one fiscal year.

Wastewater base charge shall mean the sum of the wastewater flow charge and the service charge, and said base charge shall be made against each property connected to the Lincoln Wastewater System according to the billing cycle established by the Director.

Wastewater flow charge shall mean the charge made against each property connected to the Lincoln Wastewater System for each billing cycle determined by the metered wastewater usage in 100 cubic feet of water used, or wastewater contributed if a wastewater measuring device is required or permitted and used, times the flow charge rate established by the City Council. The flow charge rate (\$/100 cubic feet) shall be determined by dividing the total annual wastewater treatment and collection costs (as defined), exclusive of costs recovered by other wastewater charges and fees, by the total wastewater usage metered for all users of the Lincoln Wastewater System during the most recent fiscal year.

Wastewater surcharge shall mean the additional charge made against each property connected to the Lincoln Wastewater System that contributes wastewater which has a running average strength in excess of that defined for normal wastewater during the billing cycle established by the Director.

Wastewater use charge shall mean the sum of all charges made against a property during a billing cycle; that is, the sum of the wastewater base charge and any applicable wastewater surcharges. (Ord. 15985 §2; October 7, 1991: P.C. §17.60.005: Ord. 13887 §26; July 9, 1984).

17.60.020 Wastewater Use Charge.

For the purpose of providing revenue for the operation, maintenance, improvement, enlargement, and expansion of the wastewater system of the City of Lincoln; for the purpose of providing revenue for the prevention of water and stream pollution by the control of wastewater and its discharge; for the purpose of paying the principal and interest of any bonds issued for any of the aforesaid purposes; and for the purpose of creating reserves for any of the aforesaid purposes, and for no other purpose, there is hereby imposed a wastewater use charge, including where appropriate both a base charge and a wastewater

surcharge, against each property served by said wastewater system, or which may otherwise discharge wastewater, either directly or indirectly, into such wastewater system or any parts thereof or into any water or stream subject to the jurisdiction of the City of Lincoln. The City shall review the wastewater use charge rates at least every two years and revise the rates as necessary to ensure that the system generates adequate revenues and that the system continues to provide for the proportional distribution of wastewater use charges among users. Such use charges, including the collection thereof, shall be as hereinafter provided. (P.C. §17.60.010: Ord. 13887 §27; July 9, 1984).

17.60.030 Wastewater Rate to Customers; Council to Adopt Rates by Resolution.

Every premises using a Lincoln Wastewater System shall be subject to a wastewater charge. Wastewater use charges shall be set by resolution passed by the City Council of the City for all customers of the wastewater system. (Ord. 13887 §29; July 9, 1984).

17.60.040 Billing Cycles.

For the convenient and economic collection of wastewater use charges, the Director shall divide, in such manner as he shall deem fit, the City into billing cycles, the wastewater use charges in each such billing cycle to be billed at least once every two months. (P.C. §17.60.032: Ord. 12786 §5; December 17, 1979: Ord. 11656 §4; April 12, 1976).

17.60.050 Wastewater Surcharge; When Applicable.

When any property discharges into the wastewater system significant (as determined by the Director) concentrations or quantities of industrial wastes or other high strength wastewater, which has a strength greater than normal wastewater (as defined), such property shall be subject to a wastewater surcharge, to be determined as set forth in this chapter. The purpose of such surcharge is to help defray the extra cost to the City of treating such wastewater. (P.C. §17.60.034: Ord. 13887 §30; July 9, 1984).

17.60.060 Wastewater Surcharge; Obtaining and Analyzing Wastewater Samples.

For use in determining the wastewater surcharge to be made against a given property for a given period of time, the Director shall sample and analyze the wastewater system or the property wastewater service in order to determine the strength of such wastewater over such period. Usually samples shall be taken from such wastewater discharge on at least three composites during operations on such property. The Director shall annually determine the unit cost (\$/lb.) to the City of removing suspended solids, of removing biochemical oxygen demand or chemical oxygen demand, and of other additional treatment required for industrial wastes flowing into the City's wastewater treatment facilities. Such determination by the Director shall be made by dividing the total annual wastewater treatment costs (as defined), exclusive of costs recovered by dump station fees or special rates pursuant to Sections 17.60.075 and 17.60.100 of this chapter, established for the year of wastewater use (with cost allocations being made for the removal of suspended solids, BOD, or COD, and other substances requiring treatment), by the total annual pounds of suspended solids, BOD, or COD, and other substances requiring treatment flowing into the City's wastewater treatment facilities.

If, in the opinion of the Director, the foregoing surcharge unit cost determination is inequitable to either the City or the users affected because of unusual economic or waste load circumstances, then the

Director shall by an appropriate method determine new surcharge unit costs which more accurately reflect the actual economic and waste load impact on the wastewater system pursuant to Section 17.60.100 of this chapter.

All such sampling and analyzing of the wastewater discharge from a given property shall be in accordance with the provisions of Sections 17.58.100 and 17.58.110 of this title; provided, however, that the Director may in his discretion accept such sampling and analyzing results as may be submitted to him by the wastewater system user on such property if the Director reasonably determines that such results properly reflect the overall nature of such discharge.

Each property for which more than two sampling stations are used may be required to reimburse the City for the City's sampling and analyzing costs resulting from samples taken from more than two of such stations. (Ord. 15985 §3; October 7, 1991; P.C. §17.60.036; Ord. 13887 §31; July 9, 1984).

17.60.070 Wastewater Surcharge; Surcharge Formula.

At the approximate end of each month, quarter, or semiannually, as determined by the Director, the Director shall make a computation of the wastewater surcharge for each property discharging industrial wastes or other high strength wastewater, using the following formula:

$$SC = [R_p (P_i - P_n) + R_s (S_i - S_n) + R_x (X_i - X_n)] \times 8.34 \times V$$

Where: SC = Surcharge, \$

R_p = Unit BOD cost (or COD cost when used in lieu of BOD) of treating normal wastewater, \$/lb.

P_i = BOD or 250/400 x COD in the industrial waste, p.p.m.

P_n = BOD in normal wastewater, p.p.m.

R_s = Unit suspended solids cost of treating normal wastewater, \$/lb.

S_i = Suspended solids in the industrial waste, p.p.m.

S_n = Suspended solids in normal wastewater, p.p.m.

R_x = Unit cost of treating any additional substance in the industrial waste, \$/lb.

X_i = Substance requiring additional treatment in the industrial waste, p.p.m.

X_n = Substance requiring additional treatment in normal wastewater, p.p.m.

8.34 = lb/million gallons-mg/l

V = Wastewater volume, million gallons.

In order to additionally discourage slug loads or highly variable wastewater discharges, unless otherwise established by the Director, the values for P_i , S_i , and X_i to be used in the surcharge formula shall be based on the running averages of the respective determinations made on samples obtained during the most recent twelve-month period prior to the time of billing. (Ord. 15985 §4; October 7, 1991; P.C. §17.60.038; Ord. 13887 §32; July 9, 1984).

17.60.075 Dump Station Disposal Fees and Operating Hours; Council to Adopt By Resolution.

Persons that are permitted to use the City's wastewater dump station facilities or other designated points of disposal for special wastes that are regulated by the special waste permits program set forth in Section 17.58.135 of this title shall be subject to disposal fees set by resolution passed by the City Council of the City for all persons regulated by the special waste disposal permits program. (P.C. §17.60.040; Ord. 15128 §6; March 13, 1989).

17.60.080 Private Water Supply.

Users of the wastewater system of the City of Lincoln having a private water supply which is discharged into the wastewater system shall meter same at the user's expense and be billed at the same rate as that applied to like customers using the City water supply. Where, in the judgment of the Director, by reason of special or unusual conditions, such meter requirements would be inequitable or unfair to the user, a special rate may be established by administrative rule or regulation, with approval of the Mayor. (Ord. 16951 §141; March 11, 1996: P.C. §17.60.050: Ord. 12786 §9; December 17, 1979).

17.60.090 Wastewater Meters.

Subject to the approval of the Director, any user of the Lincoln Wastewater System may, at the user's option and expense, install one or more wastewater meters or other wastewater measuring device to measure all wastewater discharged into such system; and, if required by the Director, any user of such system shall install one or more such meters or devices at the user's expense. The Director shall not require the installation of wastewater meters or other wastewater measuring devices if the property is not discharging industrial wastes or other high strength wastewater, unless special or unusual conditions merit the making of such a requirement. The Director shall have the right to remove, repair, and reinstall any such permitted or required meter or device at the user's expense. (P.C. §17.60.060: Ord. 12786 §10; December 17, 1979).

17.60.100 Special Rates.

For users that are connected to the Lincoln Wastewater System that lie outside the City's corporate limits and where, in the judgment of the Director, by reason of special conditions, the application of the use charges hereinbefore set forth would be inequitable or unfair to either the City or the user, or in cases where the character of the wastewater from a nonresidential user is such that an additional burden is placed upon a wastewater system greater than that imposed by the average wastewater delivered to the wastewater treatment plant, a special rate may be established by a contract or by administrative rule or regulation with the approval of the Mayor. (Ord. 16951 §142; March 11, 1996: prior P.C. § 17.60.070: Ord. 15128 §7; March 13, 1989: Ord. 13887 §33; July 9, 1984).

17.60.110 Water Turned Off For Nonpayment of Wastewater Use Charges.

If any wastewater use charge be not paid within a period of thirty days after the same becomes due, the water may be turned off and the service not renewed until all arrearages are paid, including the further sum of five dollars for turning off the water and five dollars for turning the water back on, the same being the estimated cost to the City of such labor. (P.C. §17.60.080: Ord. 12786 §12; December 17, 1979).

17.60.120 Wastewater Use Charge; A Lien.

The wastewater use charges provided for in this chapter, together with all other charges and penalties, shall be and are hereby declared to be a lien upon the property from the time such charge become due until paid, and may be collected from either the owner or the person, firm, or corporation requesting the service, and may be collected in the same manner as other municipal taxes are certified, assessed, collected, and returned. (P.C. §17.60.090: Ord. 12786 §13; December 17, 1979).

17.60.130 Defective Meters.

In any case where it has been impossible to read any water or wastewater meter or other measuring device, or if the Director reasonably determines that any such meter or device has failed to measure accurately during the billing period in question, the wastewater use charges shall be computed upon an estimated water or wastewater flow for the period and the meter or device repaired and tested at the expense of the wastewater user. (P.C. §17.60.100: Ord. 12786 §14; December 17, 1979).

17.60.140 Billing Adjustments.

Where by reason of special or unusual conditions, the water consumption fails to reflect properly the quantity of wastewater actually discharged from a property into the Lincoln Wastewater System, the Director shall have the power to adjust such billings. (P.C. §17.60.110: Ord. 12786 §15; December 17, 1979).

17.60.150 Wastewater System Created.

There is hereby created the Lincoln Wastewater System for the purpose of performing the functions of wastewater collection, treatment, and disposal, and charged with the administration of the provisions of this chapter, all under the direction of the Mayor and Director. The personnel and facilities of the Lincoln Water System shall be utilized to bill and collect wastewater use charges and to conduct such other administrative and business affairs of the Lincoln Wastewater System as the Director may direct. (Ord. 16951 §143; March 11, 1996: P.C. §17.60.120: Ord. 12786 §16; December 17, 1979).

17.60.160 Discharger Responsible for Increased Costs.

Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the wastewater system, or any user which discharges any substance which singly or by interaction with any other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the wastewater system shall pay for such increased costs. The charge to each such user shall be as determined by the Director. (P.C. §17.60.131: Ord. 12786 §17a; December 17, 1979).