

RESOLUTION 2018-12

A RESOLUTION AMENDING RESOLUTION 99-40, AND RESOLUTION 2016-12, AND RESOLUTION 2017-18, A RESOLUTION FIXING THE SEWER RATE SCHEDULE AND SUPPLEMENTAL CHARGES FOR THE TOWN OF ODESSA, LINCOLN COUNTY WASHINGTON AND REPEALING ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT WITH THIS RESOLUTION.

WHEREAS, The Odessa Town Council approved and adopted Resolution 99-40 and Resolution 2016-12, and Resolution 2017- 18 fixing the sewer rates and supplemental charges associated with the Town sewer system; and,

WHEREAS, The Odessa Town Council has determined that a review and amendment to Resolution 99-40 and Resolution 2016-12 and Resolution 2017-18 is now necessary; and,

WHEREAS, the Odessa Town Council has determined to include the current base sewer rate schedule in this resolution; and,

WHEREAS, the Odessa Town Council has determined to include FOG monthly surcharges to Industrial/Commercial Surcharges; and,

WHEREAS, the Odessa Town Council has determined to include a section regarding the receiving of discharges from categorical industries recognized by the EPA;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF ODESSA, LINCOLN COUNTY, WASHINGTON that Resolution 99-40 and Resolution 2015-17 and Resolution 2017-18 are hereby amended;

**Section 1. Sewer Rate Schedule and Charges**

Operations and Maintenance (Monthly, per ERU).....	\$ 31.93
DEBT PORTION (Monthly, of Baseline) .....	\$ 30.00
BASELINE PEDESTAL FEE (Monthly, per ERU).....	\$ 1.00 less than baseline fee for Property Owner Paying own Grinder Pump Electricity
LATE FEE.....	5% per month on unpaid balance
For ERU located outside the corporate limits of the Town of Odessa- surcharge.....	25% added to Baseline ERU

MONTHLY SURCHARGES

Commercial/Industrial	
BOD <sub>5</sub> >300 ppm per 100 ppm increment.....	\$ 100.00
TSS > 300 ppm per 100 ppm .....	\$ 100.00
Salts > 100 ppm per 100 ppm increment.....	\$ 125.00
FOG > 100 mg/L per 25 ppm .....	\$ 100.00

CONNECTION FEE (One time including grinder pump if applicable)..... At Cost

LATECOMERS FEE.....\$1,000.00

SAMPLING FEE.....At Cost

**Section 2. Equivalent Residential Unit or “ERU”**

For purposes of determining a base rate, the term Equivalent Residential Unit (ERU) shall be used. An ERU shall be based on 1 single-family residence with a median water usage of 526 cubic feet per month.

Each single-family residential user (i.e., residential user) shall be assigned one ERU. Each non-residential user shall be assigned a number of ERUs rounded to the nearest one-tenth, but not less than one ERU, based on that non-residential user’s monthly water usage divided by 526 cubic feet per month, subject to adjustment by the Mayor or the Mayor’s designee, which adjustment shall be based upon recommendations from the Public Works Director or Town engineer to account for water used, but not directed to the sewerage system or other reasonable factors.

**Section 3. Categorical Industries**

The Town of Odessa reserves the right to charge categorical industries a sewer utility fee based on equivalent residential units (as defined in the engineering report approved by the Dept. of Ecology) and the strength of the wastewater. The strength of the wastewater from the categorical industry will be based on data submitted in DMR data for the following constituents: BOD, TSS, Salts and/or Fats, Oils and Grease (FOG).

The industries may contract operation and maintenance responsibilities, including monitoring, with the Town’s Public Works Department. This contract, if developed, will include a provision to charge the involved industry back time and materials for the contracted service. The Town will not be held liable/responsible for any violations as the Town cannot control the contents of the discharge to the collection system.

The Town of Odessa retains the ability to charge back time and material spent when a collection system or treatment proves upset occurs and can be directly attributed to the action of the industry. This may also apply to any commercial discharges, without a pretreatment permit, that the Town can identify as causing a problem in the collection system or treatment process. Time compensation matching hourly wages of the individual(s) responding from the Public Works Department will be required.

**Section 4. Annual Increase**

The operations and maintenance rate shall automatically be increased by 5% each year beginning January 1, 2019, subject to Council’s vote to not allow said increase.

**Section 5. Appeals**

Any user who feels their individual user charge is unjust or inequitable, may make written application to the Town Council requesting a review of their individual user charge. Such written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

Review of the request shall be made by the Town Council and Mayor and shall determine if it is substantiated or not, including recommending further study of the matter by the Town's engineer or other registered professional engineer. If the user's request is determined not to be substantiated, the user shall pay the Town for all expenses incurred in investigating the request. If the request is determined to be substantiated, the user charges for that user shall be re-computed based on the approved, revised flow and/or strength data and the new charges thus recomputed shall be applicable up to six months as applicable.

**Section 6. Severability**

Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 7. Repeal**

All other ordinances and resolutions, or parts thereof, in conflict with this resolution are hereby repealed.

PASSED AND APPROVED BY THE ODESSA TOWN COUNCIL, THIS 26<sup>th</sup> DAY OF NOVEMBER, 2018.  
EFFECTIVE JANUARY 1, 2019.

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William F. Crossley, Mayor

ATTEST:

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Denise Snead, Clerk-Treasurer