

## CHAPTER 77. SEWER CHARGES

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### 77. SEWER CHARGES.

77.01. Definitions. Subdivision 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Subd. 2. "Administration" means those fixed costs attributable to administration of the water reclamation plant and sanitary sewer collection system operation and maintenance.

Subd. 3. "Ammonia Nitrogen (NH<sub>3</sub>-N)" means the quantity of nitrogen present in wastewater in the form of ammonia as measured by procedures described in "Standard Methods."

Subd. 4. "Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>)" means the quantity of oxygen utilized after five days in the biochemical oxidation of organic matter present in wastewater as measured by procedures described in "Standard Methods."

Subd. 5. "City" means the City of Rochester, Minnesota or its governing body, the Common Council of the City of Rochester.

Subd. 6. "City Engineer" means the Public Works Director or his or her designee.

Subd. 7. "Debt Service" means that portion of sewer service charge revenue set aside to repay long or short debt obligations issued by the city to finance construction of improvements to the wastewater facilities.

Subd. 8. "High Strength Waste" means wastewater having a CBOD<sub>5</sub> greater than 250 milligrams per liter (mg/l) and/or a TSS greater than 250 mg/l, and/or a TP greater than 7 mg/l, and/or a NH<sub>3</sub>-N concentration greater than 28 mg/l.

Subd. 9. "Large User" means any user that discharges an average of more than 25,000 gallons per day of process waste into the sanitary sewer and having a high strength waste and greater than five percent of the WRP capacity to treat any parameter exceeding the definition of high strength waste.

Subd. 10. "Operation and Maintenance" means those variable costs which are directly attributable to operating and maintaining the sanitary sewer system and the water reclamation plant.

Subd. 11. "Person" means any individual, firm, company, association, society, corporation or group.

Subd. 12. "Replacement" means expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary to maintain the capacity and performance of the wastewater facilities throughout the useful life of the facilities.

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Subd. 13. "Sanitary Sewer" means a pipe or conduit that carries wastewater from residences, commercial buildings, industrial plants, and institutions to the water reclamation plant.

Subd. 14. "Standard Methods" means the latest edition of Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation, and, of options are available for a particular characteristic, the method as chosen by the Water Reclamation Plant for analysis.

Subd. 15. "Total Organic Carbon (TOC)" means the oxidizable carbon of organic origin that is present wastewater as measured according procedures described in "Standard Methods" and is determined using a total organic carbon analyzer.

Subd. 16. "Total Phosphorus (TP)" means all forms of phosphorus present in wastewater as measured in procedures described in "Standard Methods."

Subd. 17. "Total Suspended Solids (TSS)" means the non-filterable residual matter present in wastewater as measured in procedures described in "Standard Methods". If a waste has a solids concentration, which cannot be filtered using "Standard Methods" procedures, then total solids will be measured and used in lieu of TSS using procedures described in "Standard Methods."

Subd. 18. "User" means a person who discharges, or causes or permits the discharge of, wastewater into the City's wastewater disposal system.

Subd. 19. "Wastewater" means the spent water of a community and includes liquid and water-carried wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, and surface water that may be present, whether treated or untreated, which is discharged into or permitted to enter the City's wastewater disposal system.

Subd. 20. "Water Reclamation Plant (WRP)" means an arrangement of devices and structures for treating wastewater and biosolids, owned and operated by the City of Rochester Public Works Department.

Subd. 21. "WRP Manager" means the manager of the Water Reclamation Plant or his or her designee.

77.02. Service Charges. Subdivision 1. A sewer service charge is established whereby revenue will be collected from the users of wastewater facilities to pay the costs incurred by the City for administration, operation and maintenance, replacement, and debt service of such facilities.

Subd. 2. Fixed and Quantity Charges. The Common Council, by resolution, may

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establish the charges and rates for use and services of the wastewater facilities to be made against any lot, parcel of land, or premises using, or by which installation of a connection could use the wastewater facilities. In those circumstances where the Council has approved the connection of a Subordinate Sewer District to the City's wastewater facilities that makes connection at a single point for metering the flow from the entire District, a single Fixed Charge shall be imposed consistent with this Subdivision or with the provisions of any sanitary sewer connection agreement entered into by the City and Olmsted County.

### Subd. 3. High Strength Surcharges.

- A. In addition to the rate established pursuant to subdivision 2, the Common Council, by resolution, may establish surcharges for a user that discharges high strength waste. No credit will be given for waste strengths less than high strength waste values.
- B. A user not providing automatic waste monitoring equipment will be charged on the basis of CBOD<sub>5</sub>, TSS, TP, and NH<sub>3</sub>-N as determined by analysis of a 24 hour composite sample collected at least once per calendar year by the WRP Manager. More than one analysis per year and more than one year's data may be averaged to determine high strength charges. A user may be required to provide a suitable point for metering and sample collection and shall cooperate with the WRP Manager. Where it is not feasible to obtain a single representative sample, the WRP Manager may compute a theoretical waste strength based upon similar users. Where it is evident that a constituent of the waste significantly inhibits the standard analysis for CBOD<sub>5</sub>, the charges may be assessed on the basis of the TOC analysis. For the purpose of computation the CBOD<sub>5</sub> shall be assumed to be equivalent to 1.8 times the TOC.
- C. In certain cases, the WRP Manager may sample a user's wastewater and test it to establish a typical ratio of CBOD<sub>5</sub> to TOC. Thereafter, the calculated ratio and TOC test results may be used as a surrogate for CBOD<sub>5</sub> to TOC ratio will periodically be re-evaluated and re-calculated.

### Subd. 4. Capital Equalization Charge.

- A. The Common Council, by resolution, may establish the charges and rates for the use and services of the wastewater facilities by any lot, parcel of land, or premises situated outside the corporate limits of the city which shall have any active connection with the sanitary sewer system or which shall otherwise discharge wastewater either directly or indirectly into the sanitary sewer system. The capital equalization charge does not apply to any property located outside the city's boundaries that is subject to an orderly annexation agreement between the City and township that specifically provides for the waiver of this charge or some other rate calculation.

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- B. The capital equalization charge provided for in this subdivision shall be added to the first billing for service charges and shall continue to be added to each billing thereafter until the respective lot, parcel of land, or premises is annexed to the City.

Subd. 5. Residential Charges. The Common Council, by resolution, may establish a residential charge for single, two and three family dwellings.

Subd. 6. Monitoring Charges. The Common Council, by resolution, may establish a monitoring charge for a large user or any other user having waste characteristics or flows requiring routine sampling and testing by Water Reclamation Plant personnel two or more times a week.

Subd. 7. Sampling Charges. The Common Council, by resolution, may establish a sampling charge for users where a sample is required to determine wastewater characteristics to cover laboratory testing and administrative costs. Sampling charges shall not be charged in addition to monitoring charges unless the sampling is in addition to the routine monitoring schedule.

Subd. 8. Hauled Liquid Waste Charges.

- A. The Water Reclamation Plant may accept hauled liquid waste based on the capacity of the plant to treat the waste. The decision whether to accept any hauled liquid waste will be at the discretion of the City Engineer and WRP Manager.
- B. The liquid waste haulers will be responsible for providing samples of the waste in accordance with policies and procedures determined by the WRP Manager. The charges for hauled liquid waste will be based on the volume and assumed concentration of CBOD<sub>5</sub>, TSS, TP, and NH<sub>3</sub>-N and the unit costs for each parameter.
- C. The Common Council, by resolution, may establish a charge for septage, portable toilet, fats, oils, and grease, and any other high strength hauled liquid waste.

Subd. 9. Plant Investment Fee.

- A. The purpose of the Plant Investment Fee (PIF) is to impose a portion of the cost of capital improvements for expansion of the WRP upon those developments and redevelopments that create the need for or increase the demands on the WRP. The PIF shall be collected at the time of issuance of a building permit for the development or redevelopment project. Structures and uses established and legal existing on or before January 1, 2005, are exempt from a PIF, to the extent of the structure or use then existing and to the extent of the parcel of land

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- as it is constituted on that date. Structural additions to single-family dwellings are exempt from payment of a PIF. An alteration, replacement or change in use that does not increase the parcels or structures use of the WRP are exempt from payment of a PIF.
- B. The Common Council, by resolution, may establish the PIF. The resolution shall set the amount of the Equivalent Residential Unit (ERU) PIF. The PIF for multi-family residential, commercial and industrial customers will be calculated based on the wastewater flow and load contributions from the user or alternatively the user classification PIF established by resolution. The PIF shall be applied only to capacity increasing capital improvements to the WRP, including expenditures relating to repayment of indebtedness.
- C. A person challenging the calculation of a PIF may appeal the decision of the City Engineer to the Common Council. A written appeal must be filed with the City Clerk with 60 days of the receiving the City Engineer's calculation of the PIF.

77.03. Metering Required; Certain Premises. Subdivision 1. If a lot, parcel of land, or premises which discharges wastewater into the sanitary sewer system, either directly or indirectly obtains part or all of the water used thereon from sources other than the public utility department and the water so obtained is not measured by a meter in a manner which is acceptable to the city engineer, then, in such case the City shall permit the discharge of wastewater into its sanitary sewer only when the owner of such a lot, parcel of land or premises or some other interested party shall at their expense install and maintain a water meter which shall be satisfactory to the city engineer. Such water meter shall be installed so as to measure all water received on such lot, parcel of land, or premises and the above charges and rates shall be applied to the quantity of water received as measured by such meter. However, if it shall be deemed impracticable by the City Engineer to measure the water used on any lot, parcel of land, or premises, and upon approval of the council, a flat charge may be made in accordance with the estimated use of water on such lot, parcel of land, or premises.

Subd. 2. If a lot, parcel of land, or premises which discharges wastewater into the sanitary sewer system also diverts a portion of the water utilized such that it does not, and cannot enter the sanitary sewer system the City Engineer is authorized to determine, in such manner and by such method as he may deem practicable, the amount of water which does enter the sanitary sewer system. With respect to the property described in subdivision 1 herein, or to other property which obtains its water from the public utility department, the city engineer is authorized to require or permit the installation of other, or additional meters in such a manner that the quantity of water which actually enters the sanitary sewer system may be determined. The expense of the meter installation and maintenance shall be assumed by the party requesting the metering of such water, however the installation of such additional meters shall be limited to plumbing systems which divert an average of 1,000 cubic feet per month or more from the sanitary sewer system. Thereafter, the quantity charge for wastewater shall be

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based upon the amount of wastewater determined to be entering the sanitary sewer.

Subd. 3. Wastewater flow metering for large users. All large users are required to install and maintain flow meters on all connections to the sanitary sewer that discharge process wastewater. Flow meters shall display a daily totalized flow and be situated to allow convenient daily access by city personnel for the purposes of reading the meter. Two copies of any keys required to access the flow meter shall be submitted to the city. Flow meters shall be maintained by the large user at their own expense and shall be kept in good operating condition. In the event that the meter fails to properly record a totalized flow on any given day the city may make and use an estimate of the maximum flow that may have occurred during such failures for the purpose of determining service charges.

Subd. 4. Automated Composite Samplers for Large Users. All large users are required to install and maintain automated composite samplers for the purpose of providing the City with a refrigerated daily composite sample. Samplers shall be conveniently located to allow city personnel daily access for the purposes of collecting a daily composite sample including a means of properly disposing of any excess sample and access to fresh water to rinse sample containers. Two copies of any keys required to access the sampler shall be submitted to the city. Automated composite samplers shall be programmed to be actuated by the flow meter in such a way that a flow proportional composite is obtained. Automated composite samplers shall be maintained by the large user at their own expense and shall be kept in good operating condition.

77.04. Billing Units. Each meter shall be considered a separate billing unit in applying the charges and rates established by this chapter except that any contributor to the sanitary sewer system whose water supply at a particular location is received through more than one meter shall be billed on the basis of the combined reading of the several meters.

77.05. Meter Reading, Billing, and Collections. Bills for the service charges shall be made out by Rochester Public Utilities (RPU) in accordance with its usual and customary practices. The time of making such bills and the period covered thereby shall be in accordance with the meter reading practices of the RPU. All bills shall be payable to RPU. The wastewater facilities fund shall reimburse RPU for all reasonable costs incurred in meter reading, billing and collection.

77.06. Revenues; Deposits and Disbursements. The revenues derived from the rates and service charges shall be deposited with the City's Director of Finance in the Wastewater Utility fund. The revenues shall be used solely for the purpose of paying the costs of administration, operation and maintenance of the wastewater facilities, and to pay the interest and principal on any bonds of the city which have been issued or shall be issued on account of the construction of said facilities, and to maintain an equipment and replacement fund for use at any time in making repairs to the wastewater facilities.

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77.07. Periodic Review of Charges. The common council will review the Sewer Service Charge System established herein on an annual basis. Thereafter, the council may periodically revise the rate charged for sewer service to reflect any change in the cost of providing said service.

77.08. Equipment Replacement Fund. There is hereby established an equipment replacement fund. The fund is established in order to have sufficient capital on hand to make necessary replacements and perform necessary maintenance of equipment throughout the useful life of the treatment facilities. The equipment replacement fund established consists of the following:

- A. Maintaining a balance of \$1,000,000, thereafter a minimum of \$80,000 per year will be placed into the fund. Interest on invested money from the fund shall be credited towards the annual minimum deposits to the fund.
- B. Emergency replacements, if needed, will be made from the fund and annual payments to the fund will be increased to restore the desired minimum fund level of \$1,000,000 within a reasonable time.
- C. Revenue for the fund will be supplied by the operation and maintenance user charge and any surcharges.

77.09. Evaporation of Metered Water. Subdivision 1. When a commercial water user evaporates a significant amount of its metered water and therefore its wastewater discharge is reduced by this volume of water, the user may request a proportionate reduction in its quantity charge. This reduction in volume entering the sanitary sewer may be determined or estimated for billing by one of the following methods:

- A. The user may install a meter in the sanitary sewer at a location, and of a type approved by the WRP Manager.
- B. The volume of evaporation loss may be computed or estimated based upon reliable data submitted to the WRP Manager by the user.

Subd. 2. Laundries and Laundromats. In the event that a commercial laundry or laundromat elects not to install a wastewater meter, the city may reduce its quantity charges by five (5) percent of the charge computed on the metered water which is primarily utilized for laundry purposes and where other uses such as drinking water and toilets are only incidental to the primary water usage. It is the responsibility of the water user to demonstrate to the city engineer that the primary purpose of the metered water is for laundry purposes.

77.10. Assessment of Charges. On or before November 1 of each year the public utility department shall certify to the City Clerk a list of unpaid accounts showing the names and addresses of all unpaid accounts up to September 30 of that year. On or before November 25 the council shall assess the unpaid accounts against the property receiving the

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use of the wastewater facilities, which said assessments, including interest at a rate set by resolution of the City Council for the time period from October 1 to May 31 following, shall be a lien on the affected properties as shown in the assessment tabulation and shall be collected in the same manner as other special assessments. The sum collected together with interest shall be credited to the wastewater facilities fund.

(725, 2/6/50; 762, 10/1/51; 1012, 3/2/59; 1575, 12/14/70; 1581, 2/2/71; 1655, 5/2/72; 1843, 5/17/76; 1862, 9/20/76; 1883, 3/7/77; 1951, 5/1/78; 2158, 11/29/80; 2198, 7/21/81; 2262, 12/31/82; 2288, 3/15/83; 2347, 2/1/84; 2400, 8/21/84; 2426, 3/19/85; 2428, 4/2/85; 2448, 6/4/85; 2473, 10/22/85; 2608, 10/25/88; 2734, 4/16/91; 2740, 5/7/91; 2755, 8/5/91; 3136, 12/23/97; 3527, 11/18/02; 3676, 10/4/04; 3950, 1/4/10; 4154, 5/5/14; 4227, 2/1/16)