

CITY OF CLE ELUM
WASHINGTON
ORDINANCE NO. 1677

**AN ORDINANCE OF THE CITY OF CLE ELUM,
WASHINGTON, SPECIFICALLY REPEALING AND
REPLACING CLE ELUM MUNICIPAL CODE SECTIONS
13.08.370 AND 13.10.050, AND ESTABLISHING CEMC
13.08.430 and CEMC 13.08.500**

WHEREAS, the City completed a rate study recommending a modified rate structure with a focus on an equitable split between customers; and

WHEREAS, the City completed a General Sewer Plan identifying needs and deficiencies in the sewer collection systems; and

WHEREAS, the City needs to provide a revenue source to sustainably repair and replace its aging sewer collection system and wastewater treatment infrastructure without the dependance upon state and federal grants and loans; and

WHEREAS, the City desires to clarify its sewer rates and charges including reserve provisions;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLE ELUM, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Repealer. CEMC 13.08.370 as currently written is hereby repealed in its entirety and replaced as described in Section 2 below.

Section 2. Established. CEMC 13.08.370 (Rates and charges), Established. Cle Elum Municipal Code Section 13.08.370 (Rates and charges) is hereby established to read as follows:

13.08.370 Rates and charges.

Monthly Rates for Public Sewer. The City shall maintain a schedule of current rates, fees, and charges, and make them available to all interested persons. Monthly rates include reserve provisions for emergencies, capital expenditures, and other expenses as approved by the City Administrator. The charges for use of the public sewer system within the City of Cle Elum, Washington, shall be as follows:

2024 CLE ELUM SEWER RATES		
User Classification (Category)	Monthly Base Rate per 1,000 CF	Usage Charge Rate per 100 CF water used
Residential	\$58.50	Included up to 1,000 CF, \$1.15 after
Commercial - Category A (Low Strength)	\$58.50	\$1.15
Commercial - Category B (Medium Strength)	\$58.50	\$1.15
Commercial - Category C (High Strength)	\$58.50	\$1.15
Schools w/ Food Prep (Med-High Strength)	\$58.50	\$1.15
Industrial (Strength assessed individually)	\$58.50	\$1.15/100 CF water used, \$0.31/lb BOD ₅ and \$0.31/lb TSS
<i>Notes:</i> Monthly Base Rate minimum is \$58.50 no matter usage. Usage beyond 1,000 CF is assessed additional monthly base rate at \$58.50 per 1,000 CF. Usage Charge Rate is in addition to Monthly Base Rate. Reserve fee is included in Base Rate.		

2025 CLE ELUM SEWER RATES		
User Classification (Category)	Monthly Base Rate per 1,000 CF	Usage Charge Rate per 100 CF water used
Residential	\$60.26	Included up to 1,000 CF, \$1.18 after
Commercial - Category A (Low Strength)	\$60.26	\$1.18
Commercial - Category B (Medium Strength)	\$60.26	\$3.55
Commercial - Category C (High Strength)	\$60.26	\$5.92
Schools w/ Food Prep (Med-High Strength)	\$60.26	\$4.74
Industrial (Strength assessed individually)	\$60.26	\$1.18/100 CF water used, \$0.62/lb BOD ₅ and \$0.62/lb TSS
<i>Notes:</i> Monthly Base Rate minimum is \$60.26 no matter usage. Usage beyond 1,000 CF is assessed additional monthly base rate at \$60.26 per 1,000 CF. Usage Charge Rate is in addition to Monthly Base Rate. Reserve fee is included in Base Rate.		

2026 CLE ELUM SEWER RATES		
User Classification (Category)	Monthly Base Rate per 1,000 CF	Usage Charge Rate per 100 CF water used
Residential	\$62.06	Included up to 1,000 CF, \$1.22 after
Commercial - Category A (Low Strength)	\$62.06	\$1.22
Commercial - Category B (Medium Strength)	\$62.06	\$7.29
Commercial - Category C (High Strength)	\$62.06	\$12.15
Schools w/ Food Prep (Med-High Strength)	\$62.06	\$9.72
Industrial (Strength assessed individually)	\$62.06	\$1.22/100 CF water used, \$1.24/lb BOD ₅ and \$1.24/lb TSS

Notes:

Monthly Base Rate minimum is \$62.06 no matter usage. Usage beyond 1,000 CF is assessed additional monthly base rate at \$62.06 per 1,000 CF. Usage Charge Rate is in addition to Monthly Base Rate. Reserve fee is included in Base Rate.

Base rates and usage rates are based on water meter readings in cubic feet (CF) unless a sewer meter is installed at the customer's expense. In such a situation, the monthly sewer charges will be based upon the volume of wastewater discharged to the City by applying sewer meter readings to the appropriate rate classification, as determined by the City. In the event a water or sewer meter is broken or cannot be read, usage shall be estimated using data available to the City for periods of typical usage during a similar usage period at the discretion of the Public Works Director.

Beginning December 31, 2026, and every December 31st thereafter as set forth by city council resolution, monthly base rates and usage charge rates shall both be increased by the higher of 3% or as established by the Consumer Price Index published by the US Bureau of Labor Statistic for the West region for the reference month of August, released in September. The annual rate increase will be effective January 1st of each year.

User Classifications

1. **Residential** includes single and multi- family homes, apartment units, trailer houses, and other single-family dwelling units.
2. **Commercial (Business Establishments)**, shall be charged based on the volume and strength of wastewater discharged into the City sewage system. The commercial category is based on the strength of wastewater typical for the type of business activity using the Category descriptions below. For a commercial business not listed in the categories below, the Public Works Director shall determine which category is most closely related to the commercial/business account.

Commercial A – This category applies to those commercial and business establishments maintaining only restroom facilities for employees and the public, office buildings, churches, and for hotels and motels without a commercial kitchen that discharge to the same service line. These establishments generally discharge wastewater with a strength of 200 mg/l Biochemical Oxygen Demand (BOD) and 200 mg/l Total Suspended Solids (TSS). Customer wastewater with strengths (higher of BOD and TSS) between 0-300 mg/l will be classified as Commercial A customers.

Commercial B – This category applies to those commercial and business establishments such as convenience stores, gas stations, sandwich shops, bakeries, coffee stands/shops, hotels and motels with a commercial kitchen, schools without food preparation, car washes, grocery stores, laundromats, salons, dental offices, and assisted living facilities. These establishments generally discharge wastewater with a strength of 400 mg/l BOD and 400 mg/l TSS. Customer wastewater with strengths (higher of BOD and TSS) between 301-500 mg/l will be classified as Commercial B customers.

Commercial C – This category applies to those commercial and business establishments such

as restaurants, pizza shops, fast food/drive-in restaurants, and taverns. These establishments generally discharge wastewater with a strength of 800 mg/l BOD and 800 mg/l TSS. Customer wastewater with strengths (higher of BOD and TSS) between 501-900 mg/l will be classified as Commercial C customers. Any wastewater strengths exceeding 900 mg/l will be classified as Industrial customers, per Section 3 herein.

Combined/Multiple Uses - Where multiple uses (e.g., combined commercial and residential uses, or multiple commercial tenants) are combined into a single account, and are served by a common water meter, the monthly sewer rate shall be based on the account's highest user classification of the users discharging to the sewer system.

3. **Schools with Food Prep** – This category applies to schools with food preparation facilities. These establishments generally discharge wastewater with a strength of 400 mg/l BOD and 600 mg/l TSS. All schools with food preparation facilities will be classified in this category, regardless of the actual wastewater strengths. (Note: School administration and other office-type buildings that are separate from a school and discharge a wastewater strength typical for a Commercial Category A connection will be charged as a Commercial A account).
4. **Industrial**, shall be charged based on the volume and strength of wastewater discharged into the City sewage system.

Industrial users shall be required to install sampling ports on all wastewater discharges. The sampling port must be on the building's sewer line(s) and representative of the total flow before it discharges into the City's public sewer system. The City will evaluate each industrial user and determine whether automatic samplers will be required in the sampling ports. If samplers are not required by the City, samples will be taken by the City as described in CEMC 13.08.500 Effluent testing. If automatic samplers are required by the City, City-approved samplers shall be installed and maintained continuously in satisfactory and effective operation by, and at the expense of, the industrial user, at the direction of the City. Samples from samplers will be collected by the City monthly for the first 12 months and tested at a laboratory for BOD and TSS concentrations. Once 12 months of testing data is available and an average typical concentration is established, it will be utilized to calculate monthly BOD and TSS loadings for the Usage Charges. The City may require continued monthly samples to reflect accuracy of the average, or may reduce sampling frequency at the City's discretion. All costs associated with sampling ports, samplers, and testing will be the responsibility of the customer, including but not limited to City staff and consultant time, materials, and laboratory testing costs. The industrial customer will be invoiced for these costs separately from the monthly sewer bill.

Existing industrial customers at the time of this ordinance approval will have until January 1, 2025 to install sampling ports. Until sampling ports are installed, existing industrial customers at the time of this ordinance approval will be billed at the Commercial C monthly base rates and two times Commercial C usage charge rates.

General Industrial User Conditions

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

- a) There shall be no unmetered sources of water contributing wastewater discharges to the City sewer system without the knowledge and prior written approval of the City.
- b) The City reserves the right to inspect, observe, measure, sample, and test wastewater discharged to any City facility at any time, including the rights set forth in CEMC 13.08.360.
- c) The discharges of industrial users may be restricted to a capacity allocated in an industrial discharge contract with the City, State, or National Pollutant Discharge Elimination System (NPDES) Waste Discharge Permit issued to the user by the Washington Department of Ecology, whichever results in the smaller limit.
- d) The pH of discharges from all industrial users discharging liquids into the public sewers other than the industrial pretreatment system shall not be lower than 6.0 nor greater than 9.0, as determined by monitoring station results. Any discharge of waste outside this range shall be subject to a penalty of two thousand dollars (\$2,000) per day. For the purposes of this monetary penalty, each day's discharge shall be considered a separate event.
- e) The City shall charge monetary penalties for any discharge from an industrial user that adversely affects the treatment process operation and compliance with the NPDES requirements. For the purposes of charging monetary penalties, each day's discharge, and each component (flow, BOD, and TSS) shall be considered a separate event. Monetary penalties shall include, but not necessarily be limited to, the following:
 - 1) All costs associated with providing treatment to the industrial slug discharge.
 - 2) All costs associated with repair of equipment damaged by, or associated with, providing treatment to the industrial slug discharge.
 - 3) All costs associated with NPDES permit violations, federal or state government orders resulting from NPDES permit violations, penalties imposed by the federal or state government upon the City for NPDES permit violations, and all costs associated with any citizen lawsuit filed against the City for NPDES permit violations.
 - 4) Slug discharges lasting five (5) or more consecutive days shall be subject to the surcharge provisions of General Industrial User Condition C above whether or not the industrial user's maximum monthly allocated capacity is exceeded.
- f) Outside utility industrial users shall pay one hundred fifty percent (150%) of the applicable sewer rates charged to City industrial users.

Increased Charge or Extraordinary BOD Discharge. The City of Cle Elum reserves the right to make a special increased sewer assessment for users of the public sewer system discharging more than ordinary BOD and/or TSS amounts which are not adequately charged for and addressed under this section.

Section 2. CEMC 13.08.430 (Late Payment Penalties), Established. Cle Elum Municipal Code Section 13.08.430 (Late Payment Penalties) is hereby established to read as follows:

13.08.430 Late Payment Penalties.

Any user not paying the sewer charge as assessed as hereinabove by the 15th day of the month following the billing from the previous month shall be assessed a penalty in the maximum amount allowed by RCW 35.67.200, including bearing interest of eight percent per annum computed on a monthly basis. Said penalty along with the billed assessment must be paid within ten (10) calendar days of the date of the delinquent notice or the users thereof will be subjected to the enforcement remedies of the City as set forth in the CEMC 13.08.400 or any other legal remedy available.

Section 3. CEMC 13.08.500 (Effluent testing), Established. Cle Elum Municipal Code Section 13.08.500 (Effluent testing) is hereby established to read as follows:

13.08.500 Effluent testing.

Upon initial approval of this ordinance revising the sewer rate structure, each non-residential sewer account was designated as Commercial A, Commercial B, Commercial C, Schools w/ Food Prep, or Industrial.

As an effort to encourage compliance with the City's Fats, Oils, and Grease (FOG) program and incentivize customers to implement sewer discharge best practices, the City will upon customer reevaluation request, collect a sample to validate the Category (A, B, or C) a commercial establishment was previously placed, or to modify the Category if loading characteristics align with other Categories. To initiate the reevaluation, a customer must submit a reevaluation request form as available by the City. Following a customer's request and payment of the deposit, samples will be collected by the City and tested within 90 calendar days. Results from the testing will be conclusive. Additional samples may be requested by customers, but no closer than six months apart.

Outside of customer reevaluation requests, the City may perform or require periodic testing of sewer discharges by businesses when the City has a reasonable belief that (A) a user is not meeting the discharge standards set forth in CEMC 13.08.370; (B) FOG discharges in amounts that exceed the wastewater treatment standards cause a visible sheen on the discharge or in the public sewer system; or (C) the build-up of grease in any public sewer facility or which accumulations either alone or in combination with other discharges cause obstructions of the public sewer system. These determinations would be based on:

1. Downstream testing; or
2. Evidence of FOG build-up downstream; or

3. Discharge records that are incomplete, false, or not made available for inspection; or
4. Evidence of tampering with pretreatment equipment; or
5. Evidence of use by the business of degreasers, “enzymes”, or other chemicals which keep grease in suspension past the grease trap or interceptor; or
6. Other reasons established by facts which warrant a belief that the discharge standards are violated.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Public Works Director, or their designee. Cle Elum will use the City’s contracted laboratory to determine the testing results. An independent lab may be used by the applicant upon request at the applicant’s own expense and as approved by the City.

For customer-initiated reevaluation requests, all costs associated with discharge sampling and testing will be the responsibility of the customer, including but not limited to City staff and consultant time, materials, and laboratory testing costs. The customer will be invoiced for these costs separately from the monthly sewer bill, and an initial deposit will be due to the City with submission of the reevaluation request form.

For testing and sampling done by the City outside of customer-initiated evaluation requests, the City will be responsible for associated sampling and testing costs.

Following sampling and testing results, if the resulting BOD and TSS concentration levels (higher of the two) is representative of a different category, the customer account will be adjusted to reflect the applicable rates and charges for the applicable Commercial category, effective the 1st of the next month.

Section 4. Repealer. CEMC 13.10.050 as currently written is hereby repealed in its entirety and replaced as described in Section 5 below.

Section 5. CEMC 13.10.050 (Schedule of Equivalent Residential Units (ERUs)), Established. Cle Elum Municipal Code Section 13.10.050 (Schedule of Equivalent Residential Units (ERUs)) is hereby established to read as follows:

13.10.050 Schedule of Equivalent Residential Units (ERUs)

The ERU calculation for new customers will be determined using the historic average monthly flow from a comparable business/use divided by 1,000 CF, and scaled to represent any differentiation by new customer including but not limited to building size, employee count, seat

count, fixture count, and irrigation demands. In the absence of flow data from a comparable business/use, the initial ERU values may be determined from information in the current versions of the Criteria for Sewage Works Design, as published by Washington State Department of Ecology, and/or Water System Design Manual, as published by Washington State Department of Health. All ERU calculations will be rounded up to the nearest whole number. The final ERU calculation will be reviewed and approved by the City Administrator.

Section 6. Severability. Should any portion of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 7. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE
10th DAY OF September 2024.


MATTHEW LUNDH, MAYOR

ATTEST:


ROB OMANS, CITY ADMINISTRATOR

AS TO FORM  clerk

ALEXANDRA KENYON, CITY ATTORNEY

Filed with the City Clerk: 9-10-24

Passed by the City Council: 9-10-24

Date of Publication: 9-12-24

Effective Date: 9-17-24