

RESOLUTION NO. 23-~~38~~38

**A RESOLUTION ESTABLISHING RULES, REGULATIONS, RATE CHARGES
AND CONDITIONS FOR SEWER SERVICE**

WHEREAS, the City of Astoria provides a valuable public service by providing a sewer system inside the City limits. These sewer facilities constitute a public utility owned and operated by the City of Astoria. The utility exists for the benefit of persons within the City who want to have the system available for disposing of sewage.

WHEREAS, users of the sewer system should be charged rates that reflect the operation of this system as a public utility in the City, persons who do not use the sewer utility should not be required to pay monthly utility rates. Use of the sewer system occurs when the water service to improved property is requested to provide water for the property because water is the medium for carrying sewage through the system.

WHEREAS, the rate structure of the sewer utility should be based upon a fee for service consistent with the above findings. Although this rate structure is intended to constitute a service charge, even if it is viewed as a charge against property or against a property as a direct consequence of ownership of that property, the utility's rate structure should, nonetheless, endeavor to allow the owner the ability to control the amount of the charge. Similarly, the utility's rate structure should reflect the full actual direct and indirect costs of providing the service.

WHEREAS, Pretreatment Ordinance No. 22-10 has been promulgated to provide rules and regulations for operation of a voluntary pretreatment program.

WHEREAS, under Section 3.040 of the Astoria Code, the City Manager is authorized to enforce sewer rules and regulations and the City Council hereby approves the following rules and regulations and sets the sewer rates.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASTORIA, THAT THE FOLLOWING RULES AND REGULATIONS SHALL BECOME EFFECTIVE UPON PASSAGE:

SEWER REGULATIONS

Section 1.01. Definitions.

- (1) "BOD₅" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, usually expressed in a concentration (e.g., mg/l).
- (2) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- (3) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

- (4) "City" shall mean City of Astoria, or its authorized designee or representative.
- (5) "Collection Systems" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- (6) "Combined Sewer" shall mean a sewer that is designed as a sanitary sewer and a storm sewer.
- (7) "Customer" shall mean a person, corporation, association or agency who has requested and is receiving water and sewer service.
- (8) "Garbage" shall mean solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (9) "Industrial Waste" shall mean the liquid waste from industrial manufacturing processes, trade, or business as distinct from domestic-type sewage.
- (10) "Interference" shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the City's Wastewater Treatment Plant, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES Permit or the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Clean Water Act; the Solid Waste Disposal Act, including Title II (commonly referred to as the Resource Conservation and Recovery Act; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (11) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (12) "Pass Through" shall mean a discharge that exits the sanitary sewer system into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES Permit, including an increase in magnitude or duration of the violation.
- (13) "Person" shall mean any individual, firm, company, association, society, corporation or group.
- (14) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (15) "Pretreatment Ordinance" shall mean Pretreatment Ordinance No. 22-10 passed on May 16, 2022, including future amendment to or replacement of the same.
- (16) "Pretreatment Permit" shall mean a permit that is subject to the Pretreatment Ordinance.
- (17) "Properly Shredded Garbage" shall mean the waste from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be

carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

- (18) "Publicly Owned Treatment Works (POTW)" shall mean a treatment works, as defined by Section 212 of the Clean Water Act, that is owned by the State or municipality. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant [40 CFR §403.3].
- (19) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (20) "Sanitary Sewer" shall mean a conduit intended to carry liquid and water-carried waste from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface water that are not intentionally admitted.
- (21) "Sewage" shall mean a combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm water as may be present.
- (22) "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- (23) "Sewer" shall mean a pipe or conduit for carrying sewage.
- (24) "Shall" is mandatory; "may" is permissive.
- (25) "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (26) "Storm Sewer" (sometimes termed "storm drain") shall mean a sewer designed to carry only storm water, surface run-off, street wash water and drainage.
- (27) "Suspended Solids" shall mean solids that are either floating on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.
- (28) "Watercourse" shall mean a channel in which a flow of water occurs either continuously or intermittently.

Section 1.02. Use of Public Sewer Required.

- (1) No Person shall deposit or permit to be deposited in an unsanitary manner any human or animal excrement, garbage or other objectionable waste upon public or private property within the City of Astoria, or in any area under the jurisdiction of said City.

- (2) No Person shall discharge any sanitary sewage, industrial waste, or other polluted waters to any natural outlet within the City of Astoria, or in any area under the jurisdiction of said City.
- (3) The owners of residences, buildings or properties used for human occupancy, employment, recreation or other purposes, within the City and abutting any street, alley or right-of-way in which a public sanitary or combined sewer of the City, is located or may be located in the future, are hereby required to install suitable toilet facilities therein, at their own expense, and to connect such facilities directly to the proper public sewer in accordance with the provisions of these rules and regulations within 90 days from the date of official notice to do so, provided that said public sewer is within 500 feet of the property line. If the owner fails to connect to the sewer as required or fails to pay the connection and tapping charge when due, the City may discontinue water service until the connection is made and the charge is paid.
- (4) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Section 1.03. Building Sewers and Connections.

- (1) No unauthorized Person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.
- (2) There shall be two (2) classes of building sewer permits: (1) for residential and commercial services, and (2) for service to establishments producing industrial waste. In either case, the owner or his agent shall make application for service on a special form provided by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City. Connection fees are set forth in Section 1.08.
- (3) All costs and expenses incidental to the installation and connection of a building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage incurred, directly or indirectly by the installation of the building sewer.
- (4) The sanitary sewer system of each new building and new work installed in an existing building shall be separate and independent from that of any other building, and, when available, every building shall have an independent connection with a public sewer.
- (5) An old building sewer may be used in connection with new buildings only when it, upon examination and testing by the City, meets all requirements of this resolution.
- (6) The connection of the building sewer to the public sewer shall be made at a "Y" branch or "T" if such fitting is available at a suitable location. If no fitting is available, a tap will be made using an approved tapping saddle. Where no properly located "Y" branch or "T" is available, the tap will be made by the City for a tapping charge as given in Section 1.08 or by a State licensed plumbing contractor. If the connection is made by a contractor, the contractor shall have the connection inspected by the City prior to backfilling.

- (7) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Public property disturbed in the course of the work shall be restored in a manner satisfactory to the City within a reasonable time.
- (8) The user/owner of any private or building sewer shall be responsible for maintenance to the point of connection with the public sewer.
- (9) The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of pipe, jointing, testing, and trench backfilling, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or amplification thereof, the material and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Facility (WPCF) Manual of Practice No. 9 shall apply.
- (10) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (11) The connection of the building sewer to the public sewer shall conform to requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.
- (12) The applicant for a building sewer permit shall notify the Public Works Engineering office when the building sewer is ready for inspection and connection to the public sewer. Connections made by a contractor must be inspected by the City prior to backfilling.

Section 1.04. Use of Public Sewers.

- (1) No Person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water to any sanitary sewer where there is a storm sewer system available. New construction or extensive remodeling in areas where separate City sewers are not available will be piped separately to the street right-of-way line and joined into a combined sewer line to the City main.
- (2) Storm water and all other unpolluted drainages shall be discharged to such sewers specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the City. Upon approval by the City, industrial cooling water or unpolluted process water may be discharged to a storm sewer, combined sewer, or natural outlet.
- (3) No Person shall introduce or cause to be introduced into the public sewer any pollutant or wastewater which causes Pass Through or Interference.
- (4) No Person shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

Wastewater containing substances:

- a) In concentrations that inhibit or interfere with the operation or performance of the Municipal Sewer System; or
- b) That are not amenable to treatment or reduction by the sewage treatment process employed or are only partially amenable to treatment, such that the POTW's effluent cannot meet the requirement of any agency having jurisdiction over the POTW; or
- c) In concentrations in excess of limitations imposed in a permit issued by the City or other regulatory agency having jurisdiction; or
- d) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR §261.21 such as gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- e) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- f) Wastewater having a pH less than 6.2 or more than 8.5, or otherwise causing corrosive structural damage to the POTW or equipment;
- g) Pollutants which cause corrosive structural damage to the POTW, but in no event discharges with pH lower than 5.0, unless the POTW is specifically designed to accommodate such discharges.
- h) Any solid or viscous substance capable of obstructing wastewater which will or may cause obstruction to the flow of wastewater or other interference with the operations of the Municipal Sanitary Sewer System;
- i) Any noxious, malodorous or toxic liquids, gases, vapors or fumes, solids, or other substances which, either singly or by interaction with other wastewaters may cause acute or chronic worker health and safety problems, a public nuisance, a hazard, or interference with any part of the Municipal Sewer System;
- j) Any liquid or vapor having a temperature higher than 100 degrees Fahrenheit (37.8 degrees centigrade) unless this limit is modified by an industrial wastewater discharge permit;
- k) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
- l) Wastewater having a temperature greater than 150 degrees F (55.5 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 77 degrees F (25 degrees C);
- m) Trucked or hauled pollutants, except at discharge points designated by the Public Works Director in accordance with Section 3.4 of the Pretreatment Ordinance;
- n) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- o) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable

tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;

- p) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- q) New storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Public Works Director;
- r) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- s) Medical Wastes, except as specifically authorized by the Public Works Director in an individual wastewater discharge permit or a general permit;
- t) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- u) Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW;
- v) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (0 and 65 degrees C);
- w) Any slug load;
- x) Any substance that causes the City to violate the terms of its NPDES permit;
- y) Any substance that would be designated as dangerous or hazardous waste unless authorized by an industrial wastewater discharge permit.

- (5) No Person shall discharge or cause to be discharged substances, materials, water or waste if it appears likely in the opinion of the City that such waste can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of this waste, the City will consider such factors as quantities of subject waste in relation to flows and velocities in the sewers, construction materials of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of waste in the sewage treatment plant and other pertinent factors.
- (6) Additional prohibitions for discharges to the public sewers are identified in the Pretreatment Ordinance.
- (7) If any pollutants, substances or wastewater is discharged or proposed to be discharged to the public sewers, which pollutants, substances or wastewater contain the substances or possess the characteristics enumerated in paragraphs 3, 4 and 5 of this section or in the Pretreatment Ordinance, or which in the judgment of the City may have a deleterious effect upon the collection systems, processes, equipment, or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the City may:
 - a) Reject the waste;
 - b) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - c) Require control over the quantities and rates of discharge; and/or
 - d) Require payment according to Section 1.09.

If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to review and approval by the City and subject to the requirements of the Pretreatment Ordinance and all other applicable resolutions, codes and laws.

- (8) Grease, oil and sand interceptors shall be installed and maintained by the customer when, in the opinion of the City, interceptors are necessary for the proper handling of liquid waste containing grease in excessive amounts, or any flammable waste, sand or other harmful ingredients; except that such interceptors shall not normally be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be placed in a location that is readily accessible for cleaning and inspection.
- (9) Where pretreatment or flow-equalizing facilities are provided for any water or waste, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (10) When required by the City, the owner of any property serviced by a building sewer carrying industrial waste shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the waste. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at his expense and shall be maintained by the owner so as to be safe and accessible at all times.
- (11) All measurements, tests, and analyses of the characteristics of water and waste to which reference is made in this resolution and the Pretreatment Ordinance 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, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the collection systems and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples or continuous pH recorders.)

Section 1.05. Protection from Damage.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal collection systems. Any person violating this provision shall be subject to immediate arrest. The utility shall be reimbursed by the offender for any such damage promptly, upon presentation of a bill, along with any other compensation due.

Section 1.06. Powers and Authority of Inspectors.

Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of these rules and regulations.

Section 1.07. Enforcement.

- (1) Any person found in violation of any provisions of these rules and regulations, excluding Section 1.05, shall be served by the City with written notice stating the nature of the violation and a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (2) Any person who continues any violation beyond the time limit provided in Section 1.07, subsection (1), shall be guilty of a misdemeanor. Each day in which any such violation continues shall be deemed a separate offense.
- (3) Any person violating any of the provisions of these rules and regulations shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.
- (4) Any person who violates the Pretreatment Ordinance shall be subject to the enforcement provisions contained therein, in addition to the above remedies. In the case of conflict between the provisions in Section 1.07(1)-(3) and the Pretreatment Ordinance the latter shall take precedence.
- (5) Any violation of these regulations may subject violator to water turn off, a \$330.78 fine, or both, in addition to any other legal remedies available to the City.

Section 1.08. Connection and Tapping Charges.

- (1) Each permit application shall be accompanied by the payment in full of the connection charge determined according to the schedule below.
- (2) Permits for sanitary sewer and storm drainage service submitted prior to December 1, 2023 are subject to the following connection charges.
 - a. The sanitary sewer connection charges shall be as follows:

Size of Water Meter	Connection Charge
3/4"	\$929.63
1"	\$1,851.17
1.5"	\$2,641.96
2"	\$4,240.04
3"	\$8,732.78
4"	\$12,165.78
6"	\$24,200.97
8"	\$42,694.20

10"	\$55,316.21
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Connection charges for meters larger than 10" shall be determined by the City Council. A final billing for connection charges is based upon the actual cost of labor, materials and administration.

- b. Storm Water Connection Fee. The service fee for storm water connection to property that is of average lot size (5,000 square feet) is \$582.21. Fees for property larger than 5,000 square feet and commercial properties will be calculated at \$0.11 per square foot.
- (3) Permits for sanitary sewer and storm drainage service received on or after December 1, 2023 are subject to the following connection charges.
- a. The sanitary sewer connection charge shall be as follows:
 - i. \$175 for 4-inch laterals
 - ii. \$275 for 6-inch and larger laterals
 - b. The storm drainage connection fee shall be as follows:
 - i. \$175 for residential development (residential zoning)
 - ii. \$275 for non-residential development (all non-residential zoning)
 - c. Actual cost of stormwater management plan review will be charged when required.
- (4) Actual taps of the City sewer shall be performed by an authorized contractor.
- (5) The applicant shall make the excavation, with proper shoring, to the City sewer. The Engineering Division shall inspect the final connection before backfilling. Notify the Engineering Division 24 hours prior to needing an inspection.

Section 1.09. Sewer Service Charge.

- (1) Customer Classes
- a) Customer Classes have been established to provide for equitable payment for treatment costs based on the amounts and concentrations for wastewater constituents discharged into the system. The Customer Classes are:
 - i. Residential – Single Family Residences and Multi-Family Residences;
 - ii. Commercial Category 1 – Commercial properties including schools, hotels and motels without restaurants;
 - iii. Commercial Category 2 – Commercial properties including schools, hotels and motels with full-service restaurants or full-service food preparation, restaurants and grocery stores with garbage disposal less than 3.4 horsepower;
 - iv. Commercial Category 3 – Commercial properties including bakeries, meat markets, and grocery stores with meat cutting and/or bakery with garbage disposal more than 3.4 horsepower;
 - v. Industrial Category 1 – Industrial properties discharging under an Industrial Discharge Permit that is not required to continuously monitor discharge characteristics;
 - vi. Industrial Category 2 – Industrial properties discharging under an Industrial Discharge Permit that requires equipment to monitor pH, BOD and/ or

concentration, TSS, and discharge flow and this information is reported to the City monthly.

- (2) The owner, lessee, or agent of any residential, commercial, or industrial properties connected to the City sewer system, except those producing waste as described in Section 1.04, shall pay as follows:
 - a) The bi-monthly minimum sewer service charge for each utility customer shall be \$49.24 effective July 1, 2023.
 - b) For bi-monthly water use in excess of 4,000 gallons for each installed meter, the sewer service charges shall be the bi-monthly minimum sewer service charge plus \$5.49 per each thousand gallons in excess of 4,000 gallons effective July 1, 2023. In any case, the charge shall not be less than the minimum sewer service charge.
 - c) Starting January 1, 2024, the bi-monthly sewer service charge for each utility customer shall be as listed in the table below per Customer Class defined in Section 1.09 (1):

Customer Class	Minimum Bi-Monthly Sewer Service Charge	Bi-monthly Water Use In Excess of 4,000 gallons per Installed Meter (\$/1000 gallons)
Residential	\$49.24	\$5.49
Commercial Category 1	\$49.24	\$5.49
Commercial Category 2	\$49.24	\$9.94
Commercial Category 3	\$49.24	\$12.17
Industrial Category 1	\$49.24	Per Industrial Discharge Permit
Industrial Category 2	\$49.24	Calculated based on monthly discharge reports submitted by customer per Industrial Discharge Permit

- (3) **Appeal Process**
 If a customer disagrees with their assigned Customer Class, the appeal process is as follows:
 - a) Written request addressed to the Public Works Director;
 - b) If not resolved at Public Works Director level, a written appeal shall be submitted to the City Manager;
 - c) If not resolved at the City Manager level, the applicant shall submit a written appeal to the City Council.
- (4) Those premises producing waste as described in Section 1.04, which the City is willing to accept, shall pay the rates set forth in subsection (1) above, plus any added costs of handling and treating the waste not covered by existing sewer charges.
- (5) All properties in the City of Astoria with a minimum of 500 square feet of space used for lawn and/or garden area are hereby given the privilege (option) of using City water for the

purpose of irrigation. As meters are read on a two-month cycle, the adjustment will be calculated according to the following schedule:

- a) Meter Reading Cycle 01
 - April/May billed in June
 - June/July billed in August
 - August/September billed in October
- b) Meter Reading Cycle 02
 - May/June billed in July
 - July/August billed in September
 - September/October billed in November

An application may be made to the City Utility Clerk to receive this adjustment. Once an application is accepted by the Finance Department, it will remain in effect until either the property owner requests to have the adjustment removed or the account is closed.

- (6) Charges for irrigation water used shall be the same as other water; however, there will be no sewer fee assessed for the water used for irrigation.
- (7) Water used for irrigation purposes shall be determined in the following manner: An average shall be taken of the amount of water used at the premises during the three bi-monthly billing periods preceding the irrigation period. Any water used during the irrigation period in excess of this average shall not be assessed a sewer fee.
- (8) The bill shall be prorated equitably for less than a one-month period in case of occupancy change.

Section 1.10. Surcharge for Combined Sewer Overflow.

- (1) The Finance Director shall bill and collect a 97% surcharge on all residential classification sewer billings to be applied to the correction of Combined Sewer Overflows (CSO) in Astoria.
- (2) The Finance Director shall bill and collect a 97% charge on all commercial classification billings to be applied to the correction of Combined Sewer Overflows (CSO) in Astoria according to the following calculation: $97\% * (\$49.24 + \$5.49 \text{ per each thousand gallons of water consumption in excess of 4,000 gallons})$.
- (3) The Finance Director shall bill and collect a charge on all industrial classification billings to be applied to the correction of Combined Sewer Overflows (CSO) in Astoria according to their Industrial Discharge Permit.
- (4) The CSO surcharge shall be billed as part of the sewer item on the municipal water bill for every customer and it is due and collectible at the same time and in the same manner as the water bill. All monies collected as CSO surcharges will be placed in a CSO Fund and will be used exclusively for the correction of combined sewer overflows in Astoria.
- (5) If a CSO surcharge is not paid when due, the City may shut off water service until all delinquent utility charges are fully paid. Procedures and fees for processing of delinquent

accounts are as provided in the current resolution establishing rules and regulations for water service.

Section 1.11. Billing Procedures.

- (1) Procedures and rules governing the billing, collection, credit extension and shut off for past due accounts are contained in Section 2. of the Water Resolution.
- (2) The sewer service charge shall be billed as a separate item on the municipal water bill for the same customer and is due and collectible at the same time and in the same manner as the water bill. All funds collected as sewer charges will be placed in the sewer department of the Public Works Fund.

Section 1.12. Private Sewage Disposal.

- (1) When a public sanitary sewer is not available under the provisions of Section 1.02, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this resolution.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the Oregon State Department of Environmental Quality.

- (2) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 1.02, a direct connection shall be made to the public sewer in compliance with this resolution, and any septic tanks, cesspools, and similar private sewage disposal facility shall be abandoned in accordance with State law at no expense to the City.
- (3) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City.
- (4) No statement contained in this resolution shall be construed to interfere with any additional requirements that may be imposed by the Oregon State Department of Environmental Quality.

Section 1.13. Nonuse of Sewer.

If a sewer which connects a building with the City sewer system is not to be used due to the fact that the water has been turned off at the premises, and the Finance Director has received a written notice that there will be no use of the sewer or water, the owner or occupant shall not be charged for sewer use during the period of discontinuance or until the water is turned on.

Section 1.14. Private Water Supply.

Where a private source of water is used and then discharged into the sewer system, the private source shall be metered and the sewer service charge determined as provided in Section 1.09.

Section 1.15. Review and Revision of Rates.

Sewer service charges established in Section 1.09 of this resolution shall, at a minimum, be reviewed annually and revised periodically to reflect actual costs of operation, maintenance, and replacement of the treatment works and to maintain the equitability of the user charge with respect to proportional distribution of the cost of operation and maintenance in proportion to each user's contribution to the total wastewater loading of the treatment works.

Section 1.16. Notification.

Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges, which are attributable to wastewater treatment services.

Section 1.17. Repeal of Resolution.

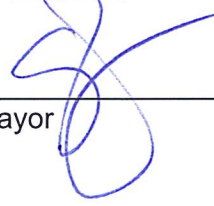
Resolution No. 23-17, adopted by the City Council on June 5, 2023, is hereby repealed and superseded by this resolution.

Section 1.18. Effective Date.

The provisions of this resolution shall be effective on the date of execution.

ADOPTED BY THE CITY COUNCIL THIS 20 DAY OF November 2023

ADOPTED BY THE MAYOR THIS 20 DAY OF November 2023



Mayor

ATTEST:



City Manager

ROLL CALL ON ADOPTION		YEA	NAY	ABSENT
Councilor	Davis	X		
	Brownson	X		
	Adams	X		
	Hilton	X		
Mayor	Fitzpatrick	X		