

ARTICLE IX Wastewater User Charges (§ 389-54 — § 389-61)

[Added 10-24-1986 (Ch. 122, Art. II of the 1971 Code)]

§ 389-54 Purpose.

The purpose of this chapter shall be to generate sufficient revenue to pay all costs for the City's complete wastewater system. The costs shall be distributed to all users of the wastewater system in proportion to their water usage, based upon water meter readings. Factors such as strength (BOD and SS) and delivery flow rate characteristics shall be considered and included as the basis for contribution, if the Commissioner of Public Works believes that it will cause additional cost for treatment.

§ 389-55 Determining total costs.

The Commissioner of Public Works and the Chief Fiscal Officer shall determine the total annual costs of operation, maintenance, debt service and capital replacement of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed and to generate funds necessary for replacement. The total annual cost of the wastewater system shall include but need not be limited to labor, repairs, equipment replacement, maintenance, administration, necessary modifications, power, sampling, laboratory tests, a reasonable contingency fund, debt service and capital replacement.

§ 389-56 Rates and billing.**A.**

The Commissioner of Public Works and the Chief Fiscal Officer shall develop a proposed wastewater budget and recommend rates for wastewater usage to the Board of Estimate and Apportionment for review, amendment or adoption. The Board of Estimate and Apportionment will forward its recommendations to the Common Council for amendment or adoption of rates and a wastewater system budget.

B.

The rates shall be determined by calculating the percentage of estimated total annual cost of the wastewater system to the estimated total annual cost of the water system. This percentage will be applied to the individual water bills to determine the wastewater charges. The billing will coincide with the water billing periods and be combined into one bill for water and wastewater. Delinquent wastewater accounts shall be treated the same as delinquent water accounts. Outside the City, wastewater charges shall remain a function of the individual water billing or estimated water billing. This rate and billing system shall apply to all users except those users determined by the Commissioner of Public Works to have excessive strength (BOD and/or SS) or delivery flow characteristics which shall cause additional cost of treatment.

C.

In these cases, the Commissioner of Public Works and Chief Fiscal Officer shall develop rates for these users commensurate with the increased cost of treatment.

D.

The charges for the wastewater system attributable to extraneous flows (i.e., infiltration/inflow) shall be distributed among all users of the wastewater system, based upon the flow volume of the users as determined by their water meter readings.

§ 389-57 Review of user's rates.

The Commissioner of Public Works and Chief Fiscal Officer shall review the total annual cost of the wastewater system at least every two years and recommend revisions to the system, as necessary, to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater system.

§ 389-58 Notification of rates.

Each user shall 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.

§ 389-59 **Prohibited wastes.**

The discharge of any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems or to injure or interfere with any sewage treatment process or to constitute a hazard in or have an adverse affect on the waters receiving any discharge from the treatment works is hereby prohibited. Chapter 389 of the City Code, Sewers, contains additional requirements covering the use of the City of Middletown's public sewers.

§ 389-60 **Toxic pollutants.**

Each user which discharges any toxic pollutant which causes an increase in the cost of managing the effluent or the sludge of the wastewater treatment works shall pay for such increased costs.

§ 389-61 **Inconsistent agreements.**

This system of service charges shall take precedence over any terms or conditions of agreements or contracts between the City and users (including industrial users, special districts, other municipalities or state and federal agencies or installations) which are inconsistent with 204(b)(1)(A) of the Clean Water Act (33 U.S.C. § 1251 et seq., as amended) or the 40 CFR, Part 35, rules and regulations.