1	

3

4

5

6

7 8

9 10 11

12

13 14

15

16

17

18

19

20

21 22

23

24 25

26

27 28

29

30 31

32

33

34

AN ORDINANCE TO ESTABLISH A SCHEDULE OF SEWER RATES AND CHARGES FOR LITTLE ROCK WASTEWATER, TO REPEAL ORDINANCE NO. 20,594 (JUNE 12, 2012); AND FOR OTHER PURPOSES.

WHEREAS, the authority to operate and maintain Little Rock Wastewater ("LRW") is vested in the Little Rock Water Reclamation Commission (the "Water Reclamation Commission"), but the authority to establish sewer rates and charges is vested in the Board of Directors of the City of Little Rock, and the Water Reclamation Commission has determined and recommended to the City Board of Directors that the rates and charges herein set forth should be duly adopted by ordinance pursuant to law because the current sewer rates and charges need to be adjusted; and,

WHEREAS, the City Board of Directors finds that the rates and charges proposed by the Water Reclamation Commission and established herein are adequate to pay the principal of and the interest on Sewer Revenue Bonds, to make payments into the sewer revenue bonds sinking fund, to provide an Adequate Depreciation Fund, and to provide LRW's estimated cost of operating and maintaining the sewer system, including the cost of improvements and replacements; and.

WHEREAS, as a result of the comprehensive rate analysis conducted by Raftelis Financial Consultants, Inc., and the updated System Evaluation Capacity Assurance Plan ("SECAP") prepared by RJN Group, Inc., the need for an adjustment of rates and charges was determined, and the Water Reclamation Commission has requested the adoption of rates and charges reflected herein and has stated that the adjustments are necessary to cover the cost of the foregoing items herein, all as more particularly set forth as stated:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK:

Section 1. That the following monthly rates are hereby established as the rates to be charged for services furnished by LRW, which rates the City Board of Directors hereby finds and declares to be the reasonable and necessary minimum rates to be charged;

A. The Water Reclamation Commission shall compute separately for each customer (customer being hereby defined as any landowner, lessee, or tenant whose buildings or premises are connected with the sewer system or otherwise discharge sanitary sewage, water, or other approved wastewater sources, either directly or indirectly into the sewerage system) a monthly bill for each class of customer. All customers of the sewerage system are hereby classified as one of the following:

(1) <u>Domestic Customers</u>: Residential users of any structure which is used exclusively

as a dwelling. Users of a portion of a structure, which portion is separately metered for water by Central Arkansas Water, or another LRW approved water source, and is used exclusively as a dwelling are also classified as domestic customers. All domestic customers shall utilize a meter size of one (1)-inch or less. Domestic customers shall not include the users of hotels, motels, boardinghouses, apartments (three of more connected residential units), nursing homes, hospitals, residence halls, learning institutions, office complexes, wholesale/retail businesses, etc.

- (2) <u>Non-Domestic Customers</u>: All other users of the sewerage system other than domestic customers classified above.
- (3) <u>Inside-Outside City Customers</u>: Customers classified above (domestic or non-domestic) are further classified as either inside or outside the city limits of Little Rock, Arkansas, for the purpose of setting rates for service provided by LRW.
- B. <u>Usage Determination</u>: The amount of sewage discharged to the sewerage system serviced by LRW shall be determined by the quantity of water metered; or other LRW approved sewer or diversion metered system(s) (also herein expressed as usage, flow, volume, or consumption). The sewage usage shall be determined based upon any single or combination of the following which may be applicable to the customer's connection to the sanitary sewerage system; and said usage shall be utilized to compute the portion of the monthly bill known as the volumetric charge:

(1) Domestic Customers:

- (a). In the case of domestic customers obtaining water exclusively from Central Arkansas Water, the flow computation shall be based upon the water consumption records of Central Arkansas Water.
- (b). In the case of a domestic customer obtaining water from sources other than Central Arkansas Water, LRW shall determine the amount of water usage obtained by such customers from other sources, and the amount so determined shall be used (together with the amount reflected by Central Arkansas Water's records for such customer, if any) in making the volumetric computation.
- (c). The sewer charge each month will be based on the monthly consumption billed in the months of October, November, December, January, February and March (Winter Months Period). The Rate shall be calculated based upon the average of three or more winter months having consumption greater than zero. Amounts shall be rounded to the nearest whole number. (In the case of domestic customers who were not on a meter during the previous Winter Month Period, the rates shall be computed on the actual water usage until such time as an average monthly winter usage can be calculated.) In the case of other domestic customers

not on a metered basis, LRW shall establish water consumption based on a comparison of the non-metered users with metered domestic customers.

(2) Non-Domestic Customers:

- (a). In the case of non-domestic customers obtaining water exclusively from Central Arkansas Water, the flow computation shall be based upon the water consumption records of Central Arkansas Water.
- (b). Each non-domestic customer from whose property or premises sewage in any quantity is discharged into the sewage system serviced by LRW, but whose water usage is not metered, is hereby required to install a meter, at its source, at the customer's own expense, to measure the quantity of water used, with an appropriate meter to be approved by LRW, and to pay a monthly bill for service based upon the amount of water thus metered.
- (c). In the case of a non-domestic customer obtaining water from sources other than Central Arkansas Water, LRW shall include the volume of water obtained by such customer from other sources, and the amount so determined shall be used (together with the amount reflected by Central Arkansas Water's records for such customer, if any) in making the volumetric charge computation.
- (d). In the case of a single non-domestic customer, whose water usage is measured by multiple meters, the total water usage for all the meters shall be the basis on which the customer's monthly bill is computed and not on the basis of each separate meter source and readings.
- (e). If a non-domestic customer desires to establish eligibility for a sewage service volume based on less than 100% of total monthly water usage, the non-domestic customer may submit a written request to LRW that it be permitted, at the sole expense of the non-domestic customer, to have a meter installed for the purpose of determining the amount of such quantity not reaching the sewer system, provided, however, the meter shall be inspected and approved by LRW prior to being eligible to receive any type of credit or adjustment to the monthly bill. The burden of showing that an appreciable quantity of water usage does not reach the sewer shall be upon the customer; and the customer shall make a determination if it wishes to either (1) install a sewage meter, or (2) install a diversion meter as outlined below. Both meter types shall comply with the items listed in (3) below.
- (1) Install a sewage meter to measure the volume of wastewater actually discharged into the sewage system from the non-domestic customer's premises. In the event a sewage meter is installed, the rate schedule as set forth in this Ordinance

shall be applied to either: (a) the volume of sewage entering the sewage system as measured by the meter; or (b) in the event the sewage meter fails, a calculated volume shall be substituted, for up to ninety (90) days, based on the percentage of metered water usage discharged to the sewage system as determined by the historical comparison of water usage to that of the metered sewage; or

- (2) Install a diversion meter. In lieu of a sewage meter, the non-domestic customer may install diversion water meter(s) to measure that portion of water used which is diverted completely away from entering the sewage system. In the event a diversion water meter is installed, the volume of water metered by such meter(s) shall be deducted from the total volume of water usage (master water meter provided by Central Arkansas Water) before the sewer service rate schedule is applied. In the event the diversion meter fails, a calculated volume shall be substituted, for up to ninety (90) days, based on the percentage of metered diverted water usage to the master water meter usage as determined by the historical comparison of the two; and
- (3) The following conditions shall also apply to non-domestic customers who desire to establish eligibility for credit related to the use of either a sewer or diversion water meter:
 - Said meters shall measure flow in units of cubic-feet, and be maintained and routinely calibrated to assure an accuracy of ± 10%.
 - The readings from the meter shall be taken at least once monthly and shall be provided to LRW in units of 00-ft³ (100 cubic-feet).
 - Cooling towers and boilers used for conditioning the air space of buildings or used by customers of non-domestic facilities for processing shall only be eligible for up to 70% credit when the bleed and/or blow-down wastewaters are connected to the sanitary sewer system.
 - No refunds, allowances, credits, or reductions from the 100% water use base will be granted to a non-domestic customer for any time period prior to approval of a sewage metering or diverted water metering system.
 - Should a non-domestic customer fail to report a meter reading to LRW for more than ninety (90) days, the customer shall be removed from the sewer meter program. The customer may reapply by making written application to LRW for approval.

1
2
3
4
5
6
7
8
9
10
1 I
12
13
14
15
16
17
18
19
20
21
22
23

- After receiving approval for a meter installation, and should that metering system later fail, or the customer fail to report monthly readings for ninety (90) days, LRW shall apply 100% of the total water metered volume as if it was all discharged to the sewerage system for the purposes of preparing the monthly bill.
- Any deviations will be at the discretion of the Director of Environmental Assessment Division, Little Rock Wastewater
- (3). The following shall apply to both domestic and non-domestic customers: In the case of a customer using water for irrigation or lawn sprinkling purposes, the customer may have an additional service meter installed by Central Arkansas Water to deliver the water in such a way that the water is billed separately without a sewer charge being computed.
 - (a) The following rates shall be effective starting January 1, 2017, ("Rate Effective Date") upon the adoption of this ordinance (and shall be increased thereafter upon the dates set forth below) and shall be applied to each customer, unless modified by contract recommended by the Water Reclamation Commission and approved by ordinance by the City Board of Directors if the facility provides its own conveyance directing its waste stream to the digester or another specialty treatment process which does not commingle with the influent at the headworks of the Wastewater Treatment Plant, and which does not adversely impact the fair and reasonable rate structure applicable to all customers, as above determined, to arrive at the monthly charge for each customer:

(1) Inside City - Domestic Customers

(i). Service Availability Charge

Description	January 1, 2017	January 1, 2018	January 1, 2019	January 1, 2020	January 1, 2021
Meter Size			100000		
5/8"	10.78	11.29	11.81	12.36	12.93
3/4"	13.88	14.54	15.23	15.95	16.71
. 1"	20.99	21.99	23.03	24.13	25.27

24

25 26

27

	٠	j	i	

Description	January 1,	January 1,	January 1,	January 1,	January 1.
	2017	2018	2019	2020	2021
Flow	1.84	1.93	2.02	2.12	2.22

(iii). Debt Repayment Volumetric Charge (for all water consumed)

(2) Outside City - Domestic Customers.

Description	January 1,				
	2017	2018	2019	2020	2021
Flow	2.14	2.24	2.35	2.46	2.58

(i). Service Availability Charge

Description	January 1, 2017	January 1, 2018	January 1, 2019	January 1, 2020	January 1, 2021
Meter Size					
5/8"	16.17	16.94	17.75	18.59	19.47
3/4"	20.82	21.81	22.85	23.93	25.07
1"	31.49	32.98	34.55	36.19	37.91

(ii). Operations Volumetric Charge (for all water consumed)

Description	January 1,				
	2017	2018	2019	2020	2021
Flow	2.77	2.90	3.03	3.18	3.33

(iii). Debt Repayment Volumetric Charge (for all water consumed)

Description		January 1, 2017	January 1, 2018	January 1, 2019	January 1, 2020	January 1, 2021
Flow	6	3.22	3.37	3,53	3.70	3.87

(3) Inside City - Non Domestic Customers

(i). Service Availability Charge

21
22

)	January 1,				
Ī	escription	2017	2018	2019	2020	2021
N	Aeter Size			. X		
	5/8"	10.78	11.29	11.83	12.39	12.98
/54	3/4"	13.88	14.54	15.23	15.95	16.71

[Page 6 of 12]

1.5" 2" 3" 4" 6" (ii). Operations Description	86.26 157.66 259.95 515.56 Volumetric Char January 1, 2017 4.33 ment Volumetric January ,1 2017	January 1, 2018 4.53	January 1, 2019 4.75	181.21 298.78 592.57 January 1, 2020 4.97 January 1, 2020	189.82 312.97 620.72 January 1, 2021 January 1, 2021
1.5" 2" 3" 4" 6" (ii). Operations Description	157.66 259.95 515.56 Volumetric Char January 1, 2017 4.33	272.30 540.05 ge (for all water January 1, 2018 4.53	285.23 565.70 consumed) January 1, 2019 4.75	298.78 592.57 January 1, 2020 4.97	312.97 620.72 January 1, 2021
1.5" 2" 3" 4" 6" (ii). Operations	157.66 259.95 515.56 Volumetric Char January 1 , 2017	272.30 540.05 ge (for all water January 1, 2018	285.23 565.70 consumed) January 1, 2019	298.78 592.57 January 1, 2020	312.97 620.72 January 1, 2021
1.5" 2" 3" 4" 6"	157.66 259.95 515.56 Volumetric Char January 1,	272.30 540.05 ge (for all water January 1,	285.23 565.70 consumed) January 1,	298.78 592.57 January 1 ,	312.97 620.72 January 1,
1.5" 2" 3" 4" 6"	157.66 259.95 515.56	272.30 540.05	285.23 565.70	298.78	312.97
1.5" 2" 3" 4"	157.66 259.95	272.30	285.23	298.78	312.97
1.5" 2" 3" 4"	157.66 259.95	272.30	285.23	298.78	312.97
1.5" 2" 3"	157.66				
1.5" 2"		165 16	1 7 7 7 7 7	44	
1.5"	06.06	90.36	94.65	99.15	103.86
	55.59	58.23	61.00	63.89	66.93
1"	31.49	32.98	34.55	36.19	37.91
3/4"	20.82	21.81	22.85	23.93	25.07
5/8"	16.17	16.94	17.75	18.59	19.47
Meter Size	16.15	W			
Description	2017	2018	2019	2020	2021
	January 1,	January 1,	January 1,	January 1,	January 1,
(i). Service Avai	lability Charge.				
(4)	Outside City	on Domestic Cu	stomers		
Flow	2.51	2.63	2.76	2.89	3.03
Description	January 1, 2017	January 1, 2018	January 1, 2019	January 1, 2020	January 1, 2021
(iii). Debt Repa	ryment Volumetr	ic Charge (for al	l water consume	<u>d)</u>	TE .
Flow	2.88	3.02	3.16	3.31	3.47
Description	January 1, 2017	January 1, 2018	January 1, 2019	January 1, 2020	January 1, 2021
(ii). Operation	s Volumetric Cha	rge (for all wate	r consumed)		11.
6 ⁿ	343.71	360.03	377.13	395.05	413.81
	173.30	181.53	190.15	199.19	208.65
4"	105.11	110.10	115.33	120.81	126.54
3" 4"	57.51	60.24	63,10	66.10	44.62 69.24
	57.61	38.82	40.66	42.60	

5 6

14

16 17

[Page 7 of 12]

....

(5) Unit Extra Strength Surcharges (Inside & Outside City)	:(5)	Unit	Extra	Streng	th Sure	harges	Inside	& Out	side City):
--	----	----	------	-------	--------	---------	--------	--------	-------	-----------	----

Description	Cost Rate Based on Units of	January 1, 2017	January 1, 2018	January 1, 2019	January 1, 2020	January 1, 2021
Unit Extra Strength		V				
Surcharges*	_					
TSS > 600 mg/L	pounds	0.17	0.18	0.18	0.19	0.20
O&G > 50 mg/L	pounds	0.20	0.21	0.22	0.23	0.24
COD > 960 mg/L	pounds	0.20	0.21	0.22	0.23	0.24

C. <u>Billing Charge</u>: Customers whose usage requires rendering a bill shall pay a service charge as determined by LRW's Annual Consolidated Fee Schedule which shall be duly adopted by the Water Reclamation Commission.

- D. <u>Delinquent Accounts</u>: All accounts for sewer service not paid within thirty (30) days of the billing date shall bear interest at the maximum rate permitted by law until paid in full.
- F. <u>Wastewater Rate Subsidy Program</u>: A domestic customer may qualify for payment of sewer rates payable according to the Wastewater Rate Subsidy Program by submitting a written application, as provided by the City of Little Rock Department of Public Works, Solid Waste Division for the Solid Waste Fee Increase Subsidy Program, and if approved by LRW, such customer will pay the minimum service availability charge for the size water meter located at the customer's residence.

Section 2. The following rates for extra strength charges (or surcharge) are also established as rates which the City Board of Directors further find and declare to be reasonable and minimum rates to be charged.

- A. <u>Applicability of Payment of Surcharge</u>: The discharge of wastewaters having an excessive chemical oxygen demand (COD), total suspended solids (TSS), or oil and grease (O&G) constitute an added expense in the operation and maintenance of LRW's treatment facilities and should be accompanied by payment of an extra strength surcharge to compensate for this added expense.
 - (1) Any non-domestic customer who demonstrates the ability, in any single month, to discharge 4,000 pounds per month of COD, or more, shall receive a monthly bill for surcharge for all applicable parameters. The applicability determination shall be on the following basis:
 - COD, lbs/month = ((flow, gallons per month)/1,000,000) (8.34) (<math>COD, mg/L*)
 - (2) *COD, mg/L shall be measured on the total sample basis and shall not receive any deduction for the typical background domestic wastewater characteristic.

B. If applicable in Section 2(a), surcharge will be determined as follows:

- (1) Excessive strength is hereby defined as COD in excess of 960 mg/L, TSS in excess of 600 mg/L, and O&G in excess of 50 mg/L, as determined in accordance with test methods approved under 40 C.F.R. Part 136. The surcharge costs shall be based upon the pounds of pollutant discharged in excess, and the following shall also apply:

 COD, lbs/month = ((flow, gallons per month)/1,000,000) (8.34)(COD, mg/L 960 mg/L)

 TSS, lbs/month = ((flow, gallons per month)/1,000,000) (8.34)(TSS, mg/L 600 mg/L)

 O&G, lbs/month = ((flow, gallons per month)/1,000,000) (8.34)(O&G, mg/L 50 mg/L)
 - (2) The surcharge shall be computed separately for COD, TSS, and O&G on the total discharge, unless the usage determination has been adjusted as provided for under Section 1.B(2)e.
- C. <u>Determination of Surcharge Strengths</u>: LRW will perform analyses at minimum of once per calendar year to determine the strength of sewage discharged by non-domestic customers, whose wastes are subject to surcharge, and who have demonstrated the ability to exceed the pounds of COD specified in Section 2(a). For those non-domestic customers, the following shall also apply:
 - (1) If a non-domestic customer disagrees with the analytical value determination made by LRW, the customer may, at its sole expense, employ an independent laboratory, acceptable to LRW, to conduct sampling and analysis of its sewage discharge. The time period and location for the collection of the samples shall be designated by LRW. LRW and the independent laboratory shall both preside over the collection of the samples and shall equally divide the final composite sample so that duplicate analyses may be made. In the case of the O&G, two (2) separate and distinct samples shall be collected and both analyzed.
 - (2) The results of the analyses of the sewage sample made by both LRW and the independent laboratory will be averaged. The average of the results of these analyses shall be used to determine the actual extra strength surcharges.
- D. Reevaluation Period: If any non-domestic customer improves the quality of its sewage discharged, upon written request by the customer, LRW shall reevaluate the strength of the sewage discharge over a period of no more than one (1)-year. If after the one (1)-year evaluation period, the monitoring data reveals the customer did not, in any one single data point, exceed the amount of 4,000 pounds per month of COD, then LRW shall remove the customer from the extra strength surcharge program the first billing cycle following the conclusion of the one (1)-year evaluation period. The customer shall pay LRW for any additional monitoring data requested by the customer over and above the routine monitoring normally performed by LRW. The additional monitoring

32

33

34

which the adjustment pertains:

- (4) Under an account that has become an inactive account and for which a final bill was issued more than ninety (90) days before the error or inaccuracy was discovered.
- C. For an adjustment due to an inaccurate meter, LRW may estimate the customer's utility consumption using prior consumption history, comparisons to similarly situated customers under similar weather conditions, readings from a replacement meter, or such other methods and information that it reasonably deems appropriate. In the case of the application of an incorrect rate, LRW shall base the adjustment on the correct rate.
- D. In the event an adjustment is made for Central Arkansas Water's utility service, the sewer charges will be adjusted by LRW for the same period. With the exception that the adjustment period directly impacted the sewer, to which LRW will make no adjustment.
- E. If a customer is liable for a balance under an inactive account, LRW may transfer that balance to any of the customer's active accounts. The time limitations in Section 3.B shall not apply to a transfer made under this subsection.
- F. If LRW makes a determination on its own that an adjustment is needed to a customer's bill, notwithstanding the above provisions, LRW may make that adjustment.
- Section 4. All bills for sewer service shall be rendered monthly. Under the provision of Ark. Code Ann. § 14-235-223, if any sewer charge is not paid within thirty (30) days after same is due, there shall be a 10% penalty on the amount due, for which suit may be brought to collect all sums due, together with a reasonable attorney's fee.
- Section 5. Each user of the sewer system shall be notified, at least annually by publication having circulation in Pulaski County, Arkansas, in conjunction with a regular bill, of the rate and the portion of the user charges which are attributable to waste water treatment services, in compliance with 40 C.F.R. §35.929-2(f).
- Section 6. Severability: In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this ordinance, which remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional is not a part of this ordinance.
- Section 7. Effective Date. This ordinance shall become in full force and effect on January 1, 2017, ("Ordinance Effective Date.")
- 30 Section 8. Repealer: All laws, ordinances, resolutions, or parts of the same, that are inconsistent with 31 the provisions of this ordinance, are hereby repealed to the extent of such inconsistency including as to the Ordinance Effective Date for the rates, but not limited to, Little Rock, Ark., Ordinance No. 20,594 (June 32
- 33 12, 2012).
- 34 PASSED: August 4, 2015

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16 17

18 19

20

21

22 23

24

25

26

27 28

29

1 2 3 4 Susan Langley, City Clerk APPROVED AS TO LEGAL FORM: 5 6 7 8 Bill Mann, Chief Deputy City Attorney 9 // // 10 11 // 12 // 13 // 14 // 15 // // 16 17 // 18 // 19 // 20 // 21 // 22 // 23 // 24 II25 // 26 // 27 // 28 // // 29 30 // 31 // 32 // 33 // // 34 35 //

36

H

APPROVED:

Mark Stodola, Mayor