

**Ordinance amending Corpus Christi Code regarding water and wastewater rates effective January 1, 2022; and also amending Corpus Christi Code effective October 1, 2021 to establish revised wastewater surcharge fees for high strength waste dischargers such as operations primarily engaged in slaughtering or meat packing operations**

**Now, therefore, be it ordained by the City Council for the City of Corpus Christi, Texas:**

Section 1. That the City Code Section 55-50 is amended to revise water rates as shown in redline text follows:

**Sec. 55-50. Schedule.**

(a) *Base rates for water service.* The rates for water service are as follows:

(1) Monthly minimum charges.

a. *Metered treated water customers.*

1. Inside city limits ("ICL"):

Meter Size (Inches)	Effective January 1, 2020
Residential	
$\frac{5}{8}$ — $\frac{3}{4}$	\$12.92
Commercial	
$\frac{5}{8}$ — $\frac{3}{4}$	12.92
Residential and Commercial	
1	19.39
1 $\frac{1}{2}$	32.31
2	64.60
3	103.36
4	206.72
6	323.00
8 and larger	646.00
Large Volume	
Any size	24,202.00
Temporary construction	
1	19.39
1 $\frac{1}{2}$	32.31
2	64.60

2. Outside city limits ("OCL"):

Meter Size (Inches)	Effective January 1, <del>2020</del> 2022
Residential	
$\frac{5}{8}$ — $\frac{3}{4}$	\$ <del>15.54</del> 19.39

Commercial	
½—¾	<del>15.51</del> <ins>19.39</ins>
Residential and Commercial	
1	<del>23.26</del> <ins>29.08</ins>
1½	<del>38.77</del> <ins>48.46</ins>
2	<del>77.52</del> <ins>96.90</ins>
3	<del>124.04</del> <ins>155.05</ins>
4	<del>248.07</del> <ins>310.09</ins>
6	<del>387.60</del> <ins>484.50</ins>
8 and larger	<del>775.20</del> <ins>969.00</ins>
Large Volume	
Any size	40,382.00
Temporary construction	
1	<del>23.26</del> <ins>29.08</ins>
1½	<del>38.77</del> <ins>48.46</ins>
2	<del>77.52</del> <ins>96.90</ins>

b. *Untreated water customers.*

	Effective January 1, 2020
Minimum monthly service charge, water districts/municipalities with raw water supply contracts executed after January 1, 1997	\$432.20
Minimum monthly service charge for public agency for resale untreated water without a raw water supply contract executed after January 1, 1997 <sup>1</sup>	263.23
Minimum monthly service charge, industrial	451.73
Minimum monthly service charge, domestic	15.04
Minimum annual service charge, domestic	150.57
Minimum monthly service charge, agricultural irrigation water service	225.71
Minimum monthly service charge, temporary construction water service	300.95
Minimum monthly service charge, temporary large volume industrial untreated water customers obtaining water, which is under contract to the city, from a reservoir under the exclusive control of a river authority	1,736.75

<sup>1</sup> Minimum monthly charge for public agency for resale untreated water customer without a raw water supply contract executed after January 1, 1997: If the charge based on the volume of water taken in a monthly billing period is less than \$263.23, the customer shall be billed \$263.23, unless a valid water supply contract between the customer and city that was executed prior to January 1, 1997, provides for a minimum annual payment. If a valid water supply contract between the customer and city executed prior to August 1, 2000, provides for a minimum annual payment, the customer shall pay the minimum annual payment under the contract.

c. *Blended water customers.*

	Effective January 1, 2020
Any size	\$37,513.52

(2) Monthly volume charges per 1,000 gallons.

a. *Residential rate.*

1. Inside city limits:

	Effective January 1, 2020
First 2,000 Gallons	Minimum*
Next 4,000 Gallons	<del>\$6.46</del> 5.08
Next 9,000 Gallons	<del>7.42</del> 5.83
Over 15,000 Gallons	<del>8.09</del> 6.36

\*Use the minimum charges in subsection (a)(1).

2. Outside city limits:

	Effective January 1, 2020
First 2,000 Gallons	Minimum*
Next 4,000 Gallons	<del>\$2.49</del> 3.11
Next 9,000 Gallons	<del>3.10</del> 3.88
Over 15,000 Gallons	<del>3.92</del> 4.90

\*Use the minimum charges in subsection (a)(1).

b. *Commercial rate.*

1. Inside city limits:

	Effective January 1, 2020
First 2,000 Gallons	Minimum*
Over 2,000 Gallons	<del>\$7.17</del> 5.56

\*Use the minimum charges in subsection (a)(1).

2. Outside city limits:

	Effective January 1, 2020
First 2,000 Gallons	Minimum*
Over 2,000 Gallons	<del>\$3.36</del> 4.22

\*Use the minimum charges in subsection (a)(1).

c. *Golf course and athletic field irrigation water inside city limits.*

	Effective January 1, 202 <u>02</u>
First 2,000 Gallons	Minimum*
Over 2,000 Gallons	<u>\$3.45</u> <u>3.57</u>

\*Use the minimum charges in subsection (a)(1) for ICL customer.

d. *Residential irrigation water on separate meter.*

1. Inside city limits:

Meter Size (Inches)	Effective January 1, 202 <u>02</u>
First 2,000 Gallons	Minimum*
Over 2,000 Gallons	<u>\$8.09</u> <u>6.36</u>

2. Outside city limits

Meter Size (Inches)	Effective January 1, 202 <u>02</u>
First 2,000 Gallons	Minimum*
Over 2,000 Gallons	<u>\$3.92</u> <u>4.90</u>

e. *Resale treated water rates.*

1. Treated water rates purchased for resale where the water is taken and metered at the site of treatment are hereby set as follows:

	Effective January 1, 202 <u>42</u>
First 2,000 Gallons	Minimum*
Over 2,000 Gallons	<u>\$1.45</u> <u>9.1.21</u>

\*Use the minimum charges in subsection (a)(1).

2. Treated water rates purchased for resale where the water is delivered to the resale entity through city facilities are hereby set as follows:

	Effective January 1, 202 <u>42</u>
First 2,000 Gallons	Minimum*
Over 2,000 Gallons	<u>\$2.08</u> <u>1.77</u>

\*Use the minimum charges in subsection (a)(1).

f. *Large volume treated water customers.* A commercial treated water customer who agrees to pay for a minimum of ten million (10,000,000) gallons of treated water per month is considered a large volume treated water customer. Once a customer has elected to become a large volume treated water customer, the customer will be billed as a large volume treated water customer until the customer notifies the city and requests reclassification as a commercial customer in writing. However, a commercial customer may not elect to become a large volume treated water customer more than once in any twelve-month period.

1. Inside city limits:

	Effective January 1, 202 <u>02</u>
First 10,000,000 Gallons	Minimum*
Each Additional 1,000 Gallons	<u>\$5.90</u> <u>3.94</u>

\*Use the minimum charges in subsection (a)(1).

2. Outside city limits:

	Effective January 1, 202 <u>02</u>
First 10,000,000 Gallons	Minimum*
Each Additional 1,000 Gallons	<u>\$2.20</u> <u>1.95</u>

\*Use the minimum charges in subsection (a)(1).

g. *Large volume blended water customers.* A commercial blended water customer who agrees to purchase a minimum of ten million (10,000,000) gallons of blended water per month is considered a large volume blended water customer.

1. Inside city limits:

	Effective January 1, 2020
First 10,000,000 Gallons	Minimum*
Each Additional 1,000 Gallons	\$3.751

\*Use the minimum charges in subsection (a)(1).

2. Outside city limits:

	Effective January 1, 2020
First 10,000,000 Gallons	Minimum*
Each Additional 1,000 Gallons	\$0.1314

\*Use the minimum charges in subsection (a)(1).

3. Peaking factor. [To be determined.]

h. *Temporary water service.*

1. Treated water.

A. Inside city limits:

	Effective January 1, 202 <u>02</u>
First 2,000 Gallons	Minimum*
Over 2,000 Gallons	<u>\$7.175.56</u>

\*Use the minimum charges in subsection (a)(1).

B. Outside city limits:

	Effective January 1, 2020
First 2,000 Gallons	Minimum*
Over 2,000 Gallons	\$3.45 3.57

\*Use the minimum charges in subsection (a)(1).

2. Untreated water.

A. Inside city limits:

	Effective January 1, 2020
First 2,000 Gallons	Minimum*
Over 2,000 Gallons	2 x RWCA

\*Use the minimum charges in subsection (a)(1).

B. Outside city limits:

	Effective January 1, 2020
First 2,000 Gallons	Minimum*
Over 2,000 Gallons	2 x RWCA

\*Use the minimum charges in subsection (a)(1).

i. *Agricultural irrigation water outside city limits.*

	Effective January 1, 2020
First 2,000 Gallons	Minimum*
Over 2,000 Gallons	2 x RWCA

\*Use the minimum charges in subsection (a)(1).

- j. *Public agency for resale untreated water rates.* The rates for the purchase of untreated water purchased by a public agency, which does not have a raw water supply contract with the city executed after January 1, 1997, is the average of the monthly raw water cost adjustments, established under subsection (b) of this section, for the period used to determine the composite cost of untreated water under the city's current contract with the public agency.
- k. Temporary large volume industrial untreated water customers obtaining water, which is under contract to the city, from a reservoir under the exclusive control of a river authority.

	Effective January 1, 2020
First acre foot or fraction thereof	Minimum*
Over acre foot	\$1,248.02 per acre foot or fraction thereof

\*Use the minimum charges in subsection (a)(1).

(b) *Raw water cost adjustment (RWCA).* In addition to the charges for the base rates for water service, established in subsection (a), a separate charge for the costs of raw water, the RWCA, will be added to each consumer's bill, except public agency for resale untreated water customers without a raw water supply contract executed after January 1, 1997. (A public agency for resale untreated water customer without a raw water supply contract executed after January 1, 1997, will pay the lower of the composite cost, as defined in its contract with the city or the rate for public agency for resale untreated water customers without a raw water supply contract executed after January 1, 1997, specified in subsection (a)(2)g. of this section.) The RWCA will be based on projected system-wide raw water sales, adjusted for water losses. The RWCA will be calculated every odd-numbered year no later than October 1 to be effective the following January of even-numbered years using the adopted utility rate model. Two (2) subsequent years' RWCA will be calculated according to the following procedures, and then an average rate determined which will yield raw water required revenues over a two-year period:

- (1) Use projected system-wide water sales based on historical consumption and projected growth, with adjustments for water losses.
- (2) Include the annual budgeted cost of debt service. Bond payments, amortization of deferred losses on refundings, and other debt service costs shall be applied to the RWCA in the same proportion as the raw water activities proportion of the original bond proceeds.
- (3) Include budgeted expenditures for purchases of water.
- (4) Include purchases of water rights, amortized over the duration of the water right agreement.
- (5) Budgeted expenditures for capital items shall be included as follows:
  - a. The expense of acquiring a capital item that costs not more than five hundred thousand dollars (\$500,000.00) shall be charged in the year in which it is acquired.
  - b. The expense of acquiring a capital item that costs more than five hundred thousand dollars (\$500,000.00) shall be amortized over the number of years used to calculate depreciation expenses, with the half-year convention used in the year of acquisition.
- (6) All operating and maintenance expenditures shall be charged based on annual budgeted amounts. These expenditures include operation and maintenance of dams, reservoirs, pipelines, wells, pumping stations, and related interfund charges.
- (7) All expenses for consultants, engineering, legal services, and administration shall be charged based on annual budgeted amounts in the proportion to which they apply to raw water issues.
- (8) Expenses related to the acquisition and transportation of emergency water supplies shall be included in the RWCA for the following fiscal year, unless foreseen and budgeted in advance, in which case they are included in the year budgeted.
- (9) Miscellaneous revenues related to raw water activity, such as oil and gas lease revenues and rentals, is applied as an offset based on annual budgeted amounts.
- (10) Apply the credit for leveled Choke Canyon debt payments to city rate payers' RWCA. (The escalating payment schedule on the Choke Canyon debt was leveled through the creation of a reserve fund. In the initial years, payments greater than the debt service were made, with the excess going into the reserve fund. This excess was paid through a rate surcharge on ICL and OCL metered treated water customers. Now that bond payments exceed the leveled payment amount, the reserve fund is drawn on to make up the difference. Since only ICL and OCL metered treated water customers participated in building the reserve fund, the drawing on the reserve fund is only credited to the RWCA assessed against ICL and OCL metered treated water customers.)
- (11) Include funds necessary to collect coverage required on current annual debt service in order to comply with bond covenants, and improve the financial position and bond ratings of the city's water fund.

- (12) Include funds necessary to establish and maintain an operating reserve fund with a target amount of twenty-five (25) per cent (or three (3) months) of annual operating expenses for the fiscal year.
- (13) Include funds necessary to establish and operate a water capital reserve fund with a target amount of two (2) per cent of the respective annual water capital improvements program for the fiscal year or two million dollars (\$2,000,000.00) (whichever is greater).
- (14) Include funds necessary to establish and maintain a future water resources reserve fund (water supply development reserve) with an ultimate target balance of thirty million dollars (\$30,000,000.00), and an annual contribution of approximately two million dollars (\$2,000,000.00) per fiscal year. Revenue from this water supply development reserve will be deposited into a fund set aside for this purpose.
- (15) The minimum operating or capital reserves amounts are intended to provide for unplanned, unbudgeted expenses and revenue shortfalls, and will not be used for routine expenses.
- (16) Determine the amount of over or under collections that have resulted from difference between budgeted and actual expenses and offsetting revenues and the difference between projected and actual volume of water sold for the prior two (2) years. Any funds realized in excess of annual expenses are available for either supplementing minimum operating or capital reserves, for addition to the capital funds for discretionary cash capital funding of the water utility, or to create and maintain a reserve to level out large fluctuations in raw water charges is authorized. Apply any remaining amount as an adjustment to the RWCA.

(c) *Definitions.*

*Costs of raw water* is the total of all costs of acquiring, producing, storing, conserving, and transporting untreated water from its source to the city's treatment facility and all other points of diversion. These costs include, but are not limited to, the costs of:

- Construction, including debt service, operation, and maintenance of dams and reservoirs.
- Construction, including debt service, operation, and maintenance of raw water supply transmission pipelines.
- Construction, including debt service, operation, and maintenance of wells.
- Construction, including debt service, operation, and maintenance of facilities capable of converting wastewater effluent, salt water, and brackish ground water into water suitable for municipal, industrial, or agricultural uses.
- Acquisition of new water supplies and water rights, including the establishment and funding of a reserve dedicated to offset the costs of acquisition of additional water rights and the implementation of long-range water resource development and related capital improvements.
- Construction, operation, and maintenance of facilities to reduce water losses from water resources due to evaporation or the release of water from a reservoir due to the operation of law.
- Acquisition and transportation of emergency water supplies, including the costs of transporting water by vessel or pipelines from other regions.
- Water supply development and protection, including consultants' studies and reports, investigations, legal fees, court costs, and any other costs related to the development or protection of the water supply.
- Administrative costs, including overhead and the portion of the city's general administrative costs applicable to the activities enumerated in this definition.

(d) The raw water cost adjustment shall be calculated on an annual basis for those large volume wholesale customers with contracts containing such provisions.

(Ord. No. 9472, 8-27-1969; Ord. No. 11613, 8-8-1973; Ord. No. 12208, §§ 1, 2, 8-7-1974; Ord. No. 14140, §§ 1-3, 1-25-1978; Ord. No. 16446, §§ 1, 2, 8-12-1981; Ord. No. 16593 § 1, 10-14-1981; Ord. No. 17166, §§ 1-3, 7-28-1982; Ord. No. 17762, §§ 1, 2, 8-3-1983; Ord. No. 18351, §§ 1, 2, 7-24-1984; Ord. No. 18587, §§ 1, 2, 12-4-1984;

Ord. No. 20411, §§ 1, 2, 7-26-1988; Ord. No. 21001, § 1, 10-9-1990; Ord. No. 21438, §§ 1—4, 7-21-1992; Ord. No. 21814, § 1(a)—(c), 12-14-1993; Ord. No. 22741, § 1, 11-12-1996; Ord. No. 22832, § 1, 1-28-1997; Ord. No. 22879, § 1, 3-25-1997; Ord. No. 23706, § 1, 7-20-1999; Ord. No. 23910, § 1, 1-11-2000; Ord. No. 24132, § 1, 7-25-2000; Ord. No. 24531, § 1a, 7-24-2001; Ord. No. 24969, § 1, 7-23-2002; Ord. No. 25386, § 1, 7-22-2003; Ord. No. 025866, § 1, 7-27-2004; Ord. No. 026368, § 1, 7-26-2005; Ord. No. 026900, § 1, 7-25-2006; Ord. No. 027355, § 1, 7-24-2007; Ord. No. 027781, § 1, 7-22-2008; Ord. No. 028256, § 1, 7-28-2009; Ord. No. 028686, § 1, 7-20-2010; Ord. No. 029158, § 1, 7-26-2010; Ord. No. 029386, § 1, 2-28-2012; Ord. No. 029584, § 1, 7-31-2012; Ord. No. 029917, § 1, 7-30-2013; Ord. No. 030242, § 2(Exh. A), 7-29-2014; Ord. No. 030295, § 1, 9-23-2014; Ord. No. 030605, § 1, 9-8-2015; Ord. No. 030718, § 1, 12-15-2015; Ord. No. 031028, § 1, 12-20-2016; Ord. No. 031244, § 1, 9-12-2017; Ord. No. 031632, § 1, 12-11-2018; Ord. No. 031873, § 1, 9-17-2019; Ord. No. 032307, § 1, 12-8-2020)

## Section 2. That the City Code Section 55-100 is amended to revise wastewater rates as shown in redline text as follows:

### Sec. 55-100. Schedule.

(a) The monthly charge to be paid by users of wastewater service furnished by the city's municipal sewer system, except as otherwise provided in articles VII and XI of chapter 55, shall be based on the amount of water used by the user according to the following rates:

Classification—Residential	Usage Effective 202 <del>20</del>
Inside city limits	
One-family minimum monthly charge (first 2,000 gallons)	\$ <del>32.60</del> <ins>33.58</ins>
One-family per 1,000 gallons over 2,000	<del>6.69</del> <ins>7.02</ins>
Inside city limits	
One-family maximum monthly charge (up to 25,000 gallons)	<del>186.47</del> <ins>195.04</ins>
Outside city limits	
One-family minimum monthly charge (first 2,000 gallons)	<del>40.75</del> <ins>41.99</ins>
One-family per 1,000 gallons over 2,000	<del>14.85</del> <ins>15.60</ins>
Outside city limits	
One-family maximum monthly charge (up to 25,000 gallons)	<del>382.30</del> <ins>400.79</ins>
Classification—Commercial	Effective January 1, 202 <del>20</del>
Inside city limits	
Commercial minimum monthly charge (first 2,000 gallons)	\$ <del>44.75</del> <ins>46.10</ins>
Inside city limits	
Commercial per 1,000 gallons over 2,000	<del>4.79</del> <ins>5.26</ins>
Outside city limits	
Commercial minimum monthly charge (first 2,000 gallons)	<del>55.95</del> <ins>57.63</ins>
Outside city limits	
Commercial per 1,000 gallons over 2,000	<del>9.59</del> <ins>10.50</ins>

(b) By May 1, 2020, the amount of water used to compute the monthly bills for wastewater service to one-family residential customers shall be computed on the basis of the "winter quarter average usage" that is calculated pursuant to this subsection and every year thereafter.

(1) *Definitions.*

- a. *Winter quarter averaging wastewater charge period:* The period of water and wastewater service during the three (3) preceding winter quarter months of December, January and February. The initial winter quarter averaging wastewater charge period occurs during the months December 2019 through March 2020.
- b. *Winter quarter average usage:* The monthly wastewater usage established by the city during the "winter quarter averaging wastewater charge period" based upon the customer's thirty-day average water consumption during that period.
- c. *Interim average usage:* The monthly wastewater usage established by the city for individual customers who have not established a "winter quarter average usage". The "interim average" is three thousand (3,000) gallons per month, and is the basis for monthly wastewater charges until a "winter quarter average usage" as defined in subsection (b)(1)b. of this section is established for the individual customer.
- d. *Service area:* The geographic region served by the city's wastewater system.

(2) *Winter quarter average criteria.*

- a. The customer must receive wastewater service at one (1) location during the entire winter quarter averaging wastewater charge period in order to establish a "winter average usage".
- b. "Winter quarter average usage" charges shall apply to one-family residential customers only.
- c. The following method will be used to calculate the customer's "winter quarter average usage":
  1. Add the customer's water consumption during the winter quarter averaging wastewater charge period to determine total winter quarter consumption.
  2. Divide total winter quarter consumption amount by three (3) the number of days between the reading in December and the latest reading in March to determine the average daily usage. In the event a reading in December does not exist, the most recent prior reading will be utilized.
  3. Multiply the average daily usage by thirty (30) to determine winter quarter average usage. Such winter quarter average usage shall be limited to a maximum of twenty-five thousand (25,000) gallons.
- d. The following method will be used to calculate the customer's monthly wastewater charge: apply the applicable wastewater rates established in subsection (a) to calculate the customer's monthly wastewater charge. The adjusted rate that applies to service on and after May 1 will reflect wastewater usage based on the previous "winter quarter averaging wastewater charge period." A new winter quarter average usage shall be calculated by May 1 annually based upon the amount of water used during the winter quarter averaging wastewater charge period.
- e. New and relocating customers; adjustments:
  1. Customers new to the service area, who have not established a "winter quarter average", shall be billed at the "interim average" rate. The "interim average rate" is three thousand (3,000) gallons per month.
  2. Customers who are relocating within the service area, who established a "winter quarter average" at their previous address, shall be billed at the "interim average rate" or their "winter quarter average" rate at the previous address, whichever is less.

- 3. Customers who are relocating within the service area, who have not established a "winter quarter average" at their previous address, shall be billed at the "interim average" rate.
- 4. When a customer experiences a substantial increase in water or wastewater usage from hidden water leaks in the plumbing system during the winter quarter average charge period, and if the customer can produce proof of repairs, the director of water utilities or the director's designee may adjust the wastewater bill.
- f. The city will begin in March 2020 to implement winter quarter averaging as soon as the city billing system has been programmed to calculate the wastewater bills utilizing winter quarter average usage.

(c) The rates established in subsection (a) of this section are based upon water consumption for wastewater service customers with wastewater characteristics of five hundred sixty-two (562) parts per million or less by weight of chemical oxygen demand index, two hundred fifty (250) parts per million or less by weight of biochemical oxygen demand index, and two hundred fifty (250) parts per million or less by weight of suspended solids index. If the wastewater characteristics exceed any of these parameters, the customer shall pay additional abnormal wastewater surcharges as provided in section 55-148.

(d) Due to the extreme cold weather event in February 2021, the wastewater winter quarter average usage (WQA) will not be recalculated in 2021. Instead, the amount previously calculated as the WQA in 2020 will be used as the WQA for wastewater service in May 2021 through April 2022. A customer may request a review and adjustment of their WQA calculation on a case-by-case basis if they have objection to use of their 2020 WQA.

(Code 1958, § 38-49; Ord. No. 9863, § 1, 7-29-1970; Ord. No. 11612, § 1, 8-8-1973; Ord. No. 12209, § 1, 8-7-1974; Ord. No. 12656, § 1, 6-25-1975; Ord. No. 13860, § 1, 8-3-1977; Ord. No. 15700, § 1, 8-13-1980; Ord. No. 16448, § 1, 8-12-1981; Ord. No. 17156, § 1, 7-28-1982; Ord. No. 17763, § 1, 8-3-1983; Ord. No. 18352, § 1, 7-24-1984; Ord. No. 18940, § 1, 7-23-1985; Ord. No. 19403, § 1, 7-29-1986; Ord. No. 20412, § 1, 7-26-1988; Ord. No. 20748, § 1, 8-8-1989; Ord. No. 21001, § 1, 10-9-1990; Ord. No. 21440, § 1, 7-21-1992; Ord. No. 21662, § 1, 5-25-1993; Ord. No. 21671, § 1, 6-8-1993; Ord. No. 21814, §§ 1(e), (f), 12-14-1993; Ord. No. 21965, § 1, 6-14-1994; Ord. No. 22743, § 1, 11-12-1996; Ord. No. 23706, § 1, 7-20-1999; Ord. No. 24132, § 1, 7-25-2000; Ord. No. 24531, § 1e, 7-24-2001; Ord. No. 24969, § 6, 7-23-2002; Ord. No. 25396, § 6, 7-22-2003; Ord. No. 025866, § 5, 7-27-2004; Ord. No. 026368, § 5, 7-26-2005; Ord. No. 026900, § 5, 7-25-2006; Ord. No. 027355, § 5, 7-24-2007; Ord. No. 027781, § 7, 7-22-2008; Ord. No. 028256, § 5, 7-28-2009; Ord. No. 028690, § 1, 7-20-2010; Ord. No. 029160, § 3, 7-26-2011; Ord. No. 029917, § 7, 7-30-2013; Ord. No. 030242, § 4(Exh. A), 7-29-2014; Ord. No. 030295, § 5, 9-23-2014; Ord. No. 030605, § 4, 9-8-2015; Ord. No. 031244, § 2, 9-12-2017; Ord. No. 031874, § 1, 9-17-2019; Ord. No. 032093, § 1, 4-21-2020; Ord. No. 032421, § 1, 4-27-2021).

**Section 3.** A wastewater surcharge for high strength waste dischargers is revised to read as follows:

### **Sec. 55-148. Fees.**

#### **(a) *Abnormal wastewater surcharge.***

- (1) Any user generating wastewater which exhibits none of the characteristics of prohibited wastes as described in subsection 55-141(a), but which has an above average concentration of biochemical oxygen demand, has an above average concentration of chemical oxygen demand, or contains total suspended solids in excess of normal wastewater (as defined in subsection 55-140(c)), may be required to pretreat to meet the requirements of normal wastewater or such other

more stringent parameters as the city may determine as necessary and appropriate to the particular treatment plant receiving such abnormal wastewater. Pretreated abnormal wastewater may be accepted by a POTW if all the following requirements are met:

- a. The wastes will not cause damage to the collection system.
- b. The wastes will not impair the treatment processes.
- c. The user pays the applicable surcharge over and above published sewer rates, as provided herein; and
- d. The waste is amenable to treatment such that when it leaves the treatment plant to be discharged, the waste does not exceed, or cause the total discharge to exceed, the standards set by federal and state agencies having jurisdiction.

- (2) Prior to imposition of a surcharge, the user shall be notified in writing that his waste discharge is in excess of normal wastewater as established in this article.
- (3) Surcharges will be adjusted on billings for the month following submission of new data but not more frequently than quarterly, unless authorized by the director.
- (4) The volume of flow used in computing abnormal wastewater surcharges shall be based upon metered water consumption as shown in the records of meter readings maintained by the city of utilities department. In the event that a person discharging waste into the POTW produces evidence to the city demonstrating that a portion of the total amount of water used for all purposes does not reach the POTW, a separate meter or meters or other approved flow measuring device may be installed at the user's expense, upon his request, to measure only that portion of the total flow being discharged into the POTW. Upon request by the user, credit may be allowed by the city for evaporation, product water exported from the user or other operational consumption through which such water is not discharged to the POTW. If it is impossible to show volume by metering, then recognized industry standards designated by the city shall apply. If a surcharge is assessed by the city, it shall be shown separately on the monthly billing.
- (5) Any person discharging industrial waste into the POTW who procures any part or all of his water supply from sources other than the city utilities department, all or part of which is discharged into the POTW, shall install and maintain at his expense water meters of the type approved by the city for the purpose of determining the proper volume of flow to be used in computing sewer service charges. Such meters shall be read monthly and tested for accuracy when deemed necessary by the city. Where it can be shown that a portion of the water as measured by the aforesaid meter, or meters, does not enter the POTW of the city, then the user if he so elects, may install additional approved meters at the user's expense in such a manner as to measure the quantity of water actually entering the said POTW system from the premises of such user, and the quantity of water used to determine the wastewater service charge and abnormal

wastewater surcharge shall be the quantity of water actually entering the POTW as so determined.

(6) Computations of each surcharge, as applicable, shall be based on the following:

$S = V \times 8.34 \times X \times (\text{COD-562})$

$S = V \times 8.34 \times Y \times (\text{BOD-250})$

$S = V \times 8.34 \times Z \times (\text{TSS-250})$

$S = V \times 8.34 \times T \times (\text{TKN-30})$

$S$  = Surcharge in dollars for the billing period.

$V$  = Water consumption in millions of gallons during the billing period.

8.34 = Weight of water in pounds per gallon.

$X$  = Unit charge in dollars per pound for COD as established in subdivision (8) of this subsection.

$Y$  = Unit charge in dollars per pound for BOD as established in subdivision (8) of this subsection.

$Z$  = Unit charge in dollars per pound for TSS as established in subdivision (8) of this subsection.

$T$  = Unit charge in dollars per pound for TKN as established in subdivision (8) of this subsection

COD = Chemical oxygen demand strength index in parts per million by weight, or mg/l.

BOD = Five-day biochemical oxygen demand strength index in parts per million by weight, or mg/l.

TSS = Total suspended solids strength index in parts per million by weight, or mg/l.

$\text{TKN} = \text{Total Kjeldahl Nitrogen in parts per million by weight, or mg/l.}$

250 = Normal BOD and TSS strength in parts per million by weight, or mg/l.

562 = Normal COD strength in parts per million by weight, or mg/l.

$30 = \text{Normal TKN strength in parts per million by weight, or mg/l.}$

$\text{High Strength Waste Dischargers: Wastewater users with COD, BOD, TSS, or TKN which exceeds these normal limits: COD exceeds 562 mg/L, BOD5 exceeds 250 mg/L, TSS exceeds 250 mg/L, and/ or TKN exceeds 30 mg/L.}$

(7) The city reserves the right to review and approve any waters or industrial waste entering the POTW or proposed to be discharged into the system having an average daily flow greater than ten (10) per cent of the design flow capacity of the plant which will treat the waste. In the event the city's measurement discloses such flow to be in excess of ten (10) per cent of said capacity, the city shall be

under no obligation to receive such flow in excess of ten (10) per cent of design capacity and the city's published rates shall not apply to such excess. An owner affected hereby shall be promptly notified of such determination by the city. A special contract, at the city's option, may be made with the user to accommodate such excess flow.

(8) The values for X, Y, Z, and T used in subsection (a)(6) of this section to determine the abnormal wastewater surcharge are:

<u>Value</u>	<u>Effective</u> <u>October 1, 2021</u>
<u>X (unit charge in dollars per pound of COD)</u>	<u>\$0.0000</u>
<u>Y (unit charge in dollars per pound of BOD)</u>	<u>\$0.4940 for Tier 1; and \$0.7410 for Tier 2</u>
<u>Z (unit charge in dollars per pound of TSS)</u>	<u>\$0.3797 for Tier 1; and \$0.5696 for Tier 2</u>
<u>T (unit charge in dollars per pound of TKN)</u>	<u>\$1.3400 for Tier 1; and \$2.0100 for Tier 2</u>

<u>Value</u>	<u>Effective</u> <u>October 1, 2014</u>
<u>X (unit charge in dollars per pound of COD)</u>	<u>\$0.0000</u>
<u>Y (unit charge in dollars per pound of BOD)</u>	<u>-0.4014</u>
<u>Z (unit charge in dollars per pound of TSS)</u>	<u>-0.2882</u>

(9) It is necessary to establish surcharge fees for High Strength Waste Dischargers to fully recover all of City's costs in treatment of the wastewater. The wastewater surcharges for operations that are high strength waste dischargers are based on the following staged tiers.

a. Staged BOD Tiers (unit charge in dollars per pound of BOD):

<u>Tier</u>	<u>BOD Level (mg/L)</u>	<u>Tiered Unit Charge</u>
<u>Tier 0 (Baseline)</u>	<u>0-250</u>	<u>0</u>
<u>Tier 1</u>	<u>250 - 750</u>	<u>\$0.4940</u>
<u>Tier 2</u>	<u>More than 750</u>	<u>\$0.7410</u>

Example: if the level for BOD is 800, then the total BOD surcharge is calculated as follows:

Tier 1 BOD Surcharge =  $V \times 8.34 \times \$0.4940 \times (750-250)$  plus

Tier 2 BOD Surcharge =  $V \times 8.34 \times \$0.7410 \times (800-750)$ .

b. Staged TSS Tiers (unit charge in dollars per pound of TSS):

Tier	TSS Level (mg/L)	Tiered Unit Charge
<u>Tier 0 (Baseline)</u>	<u>0-250</u>	<u>0</u>
<u>Tier 1</u>	<u>250 - 450</u>	<u>\$0.3797</u>
<u>Tier 2</u>	<u>More than 450</u>	<u>\$0.5696</u>

Example: if the level for TSS is 500, then the total TSS surcharge is calculated as follows:

Tier 1 TSS Surcharge =  $V \times 8.34 \times \$0.3797 \times (450-250)$  plus

Tier 2 TSS Surcharge =  $V \times 8.34 \times \$0.5696 \times (500-450)$ .

c. Staged TKN Tiers (unit charge in dollars per pound of TKN):

Tier	TKN Level (mg/L)	Tiered Unit Charge
<u>Tier 0 (Baseline)</u>	<u>0-30</u>	<u>0</u>
<u>Tier 1</u>	<u>30-130</u>	<u>\$1.340</u>
<u>Tier 2</u>	<u>More than 130</u>	<u>\$2.0100</u>

Example: if the level for TKN is 200, then the total TKN surcharge is calculated as follows:

Tier 1 TKN Surcharge =  $V \times 8.34 \times \$1.340 \times (130-30)$  plus

Tier 2 TKN Surcharge =  $V \times 8.34 \times \$2.0100 \times (200-130)$ .

(b) *Pretreatment charges and fees.* The city may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the city's pretreatment program which may include:

- (1) Fees for wastewater discharge permit applications including the cost of processing such applications as set forth in the wastewater fee schedule.
- (2) Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by the industrial user.

- (3) Fees for reviewing and responding to accidental discharge procedures and construction.
- (4) Fees for filing appeals.
- (5) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees, fines and penalties chargeable by the city.

(Ord. No. 21666, § 1, 6-1-1993; Ord. No. 21814, § 1(g), 12-14-1993; Ord. No. 23706, § 1, 7-20-1999; Ord. No. 24132, § 1, 7-25-2000; Ord. No. 24531, § 1g, 7-24-2001; Ord. No. 24969, § 8, 7-23-2002; Ord. No. 25377, § 13, 7-22-2003; Ord. No. 25396, § 8, 7-22-2003; Ord. No. 025866, § 7, 7-27-2004; Ord. No. 026368, § 7, 7-26-2005; Ord. No. 026900, § 7, 7-25-2006; Ord. No. 027355, § 7, 7-24-2007; Ord. No. 027781, § 9, 7-22-2008; Ord. No. 028256, § 7, 7-28-2009; Ord. No. 028690, § 3, 7-20-2010; Ord. No. 029917, § 8, 7-30-2013; Ord. No. 030295, § 6, 9-23-2014)

**Section 4.** Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi. This ordinance takes effect upon publication, with the revised utility rates taking effect upon the dates as stated herein. The utility rates in effect at the time this Ordinance is adopted remain in full force and effect until the effective date of the utility rates as stated in this Ordinance.

That the foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

Paulette M. Guajardo \_\_\_\_\_  
Roland Barrera \_\_\_\_\_  
Gil Hernandez \_\_\_\_\_  
Michael Hunter \_\_\_\_\_  
Billy Lerma \_\_\_\_\_

John Martinez \_\_\_\_\_  
Ben Molina \_\_\_\_\_  
Mike Pusley \_\_\_\_\_  
Greg Smith \_\_\_\_\_

That the foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_\_ day of \_\_\_\_\_ 2021, by the following vote:

Paulette M. Guajardo \_\_\_\_\_  
Roland Barrera \_\_\_\_\_  
Gil Hernandez \_\_\_\_\_  
Michael Hunter \_\_\_\_\_  
Billy Lerma \_\_\_\_\_

John Martinez \_\_\_\_\_  
Ben Molina \_\_\_\_\_  
Mike Pusley \_\_\_\_\_  
Greg Smith \_\_\_\_\_

PASSED AND APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

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Rebecca Huerta  
City Secretary

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Paulette M. Guajardo  
Mayor