NEWPORT WASHINGTON 2023 GENERAL SEWER PLAN

APPENDICES

October 2023

Appendix A

Ecology General Sewer Plan Review Checklist

WAC 173-240-050:

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PDF WAC 173-240-050

General sewer plan.

(1) All general sewer plans required of any governmental agency before providing sewer service are "plans" within the requirements of RCW **90.48.110**. Three copies of the proposed general sewer plan and each amendment to it must be submitted to and approved by the department before implementing the plan.

(2) The general sewer plan must be sufficiently complete so that engineering reports can be developed from it without substantial alterations of concept and basic considerations.

(3) The general sewer plan shall include the following information together with any other relevant data as requested by the department. To satisfy the requirements of the local government jurisdiction, additional information may be necessary.

(a) The purpose and need for the proposed plan.

(b) A discussion of who will own, operate, and maintain the systems.

(c) The existing and proposed service boundaries.

(d) Layout map including the following:

(i) Boundaries. The boundary lines of the municipality or special district to be sewered, including a vicinity map;

(ii) Existing sewers. The location, size, slope, capacity, direction of flow of all existing trunk sewers, and the boundaries of the areas served by each;

(iii) Proposed sewers. The location, size, slope, capacity, direction of flow of all proposed trunk sewers, and the boundaries of the areas to be served by each;

(iv) Existing and proposed pump stations and force mains. The location of all existing and proposed pumping stations and force mains, designated to distinguish between those existing and proposed;

(v) Topography and elevations. Topography showing pertinent ground elevations and surface drainage must be included, as well as proposed and existing streets;

(vi) Streams, lakes, and other bodies of water. The location and direction of flow of major streams, the high and low elevations of water surfaces at sewer outlets, and controlled overflows, if any. All existing and potential discharge locations should be noted; and

(vii) Water systems. The location of wells or other sources of water supply, water storage reservoirs and treatment plants, and water transmission facilities.

(e) The population trend as indicated by available records, and the estimated future population for the stated design period. Briefly describe the method used to determine future population trends and the concurrence of any applicable local or regional planning agencies.

(f) Any existing domestic or industrial wastewater facilities within twenty miles of the general plan area and within the same topographical drainage basin containing the general plan area.

(g) A discussion of any infiltration and inflow problems and a discussion of actions that will alleviate these problems in the future.

(h) A statement regarding provisions for treatment and discussion of the adequacy of the treatment.

(i) List of all establishments producing industrial wastewater, the quantity of wastewater and periods of production, and the character of the industrial wastewater insofar as it may affect the sewer system or treatment plant. Consideration must be given to future industrial expansion.

(j) Discussion of the location of all existing private and public wells, or other sources of water supply, and distribution structures as they are related to both existing and proposed domestic wastewater treatment facilities.

WAC 173-240-050:

(k) Discussion of the various alternatives evaluated, and a determination of the alternative chosen, if applicable.

(I) A discussion, including a table, that shows the cost per service in terms of both debt service and operation and maintenance costs, of all facilities (existing and proposed) during the planning period.

(m) A statement regarding compliance with any adopted water quality management plan under the Federal Water Pollution Control Act as amended.

(n) A statement regarding compliance with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA), if applicable.

[Statutory Authority: RCW **90.48.110**. WSR 00-15-021 (Order 00-09), § 173-240-050, filed 7/11/00, effective 8/11/00. Statutory Authority: Chapters **43.21A** and **90.48** RCW. WSR 83-23-063 (Order DE 83-30), § 173-240-050, filed 11/16/83. Statutory Authority: RCW **90.48.110**. WSR 79-02-033 (Order DE 78-10), § 173-240-050, filed 1/23/79. Formerly chapter 372-20 WAC.]

Appendix B

Newport Sewer Policies and Regulations

Chapter 13.12 SEWER SYSTEM POLICY

Sections:

- 13.12.010 Purpose.
- 13.12.020 Intent.
- 13.12.030 Improvement specifications.
- 13.12.040 Definitions.
- 13.12.050 Replacement cost responsibility.
- 13.12.060 Connection to existing line.
- 13.12.070 New installation inside city.
- 13.12.080 Installation through undeveloped area.
- 13.12.090 Delayed benefit charge.
- 13.12.100 New installation outside city.

13.12.010 Purpose.

To insure the orderly growth of the sewer system of the city and to avoid the errors and inequalities produced by treating each new addition and replacement to the system as a separate problem without relation to the whole, the city council has deemed it necessary and advisable to adopt a uniform policy for the guidance of those employees of the city entrusted with the operation of the system, for future city councils and for other interested parties, and to that end this chapter has been prepared. (Ord. 357 § 1, 1957)

13.12.020 Intent.

It is the express intent of the city council that the sewer department shall be a self supporting utility operated without drawing upon the general funds of the city. (Ord. 357 § 2, 1957)

13.12.030 Improvement specifications.

All specifications for extensions, expansions, additions, betterments and replacements to the existing sewer system shall be determined by the sewer superintendent subject to the following limitations:

No sewer main shall be installed which is less than six inches in diameter; provided, however, the city council may, upon receiving a specific request for the same, allow an installation of less than the minimum diameter where the installation involves only a stub street less than 300 feet long and where the main cannot possibly be extended at any future time due to the topography of the land. (Ord. 357 § 3, 1957)

13.12.040 Definitions.

Whenever the following terms are used in this chapter they shall be construed to mean as follows:

A. "Standard commercial sewer transmission line" means sewage pipes constructed of cement eight inches in diameter.

B. "Standard construction costs" means the cost of the pipe for either the standard residential sewer transmission line or standard commercial sewer transmission line, whichever is to be installed, plus the total cost of all tees and junctions and the total cost of all installation and incidental work necessary to place the sewer transmission line in service regardless of its size.

C. "Standard residential sewer transmission line" means sewage pipes constructed of cement six inches in diameter. (Ord. 357 § 4, 1957)

13.12.050 Replacement cost responsibility.

Whenever any transmission line for sewage service, now or hereafter installed, requires replacement due to obsolescence, inadequacy, or deterioration the cost of the replacement shall be paid for out of the revenues of the sewer department; provided, however, any property abutting on any such transmission line which has never been connected therewith or which has not previously been assessed or has not previously contributed to the standard construction costs of the line, shall pay a delayed benefit charge at the time of connection to the utility which charge shall be the abutting property's proportionate share of the standard construction costs of the line based on the front foot method of assessment; provided further, if the property has, prior to the effective date of the ordinance codified in this chapter, been connected to the sewer system and has been paying the established sewer charges, the property shall be exempt from the provisions of this section. The delayed benefit charge shall be in addition to any and all connection charges and other charges required to be paid for such services by any ordinances of the city; provided, however, the payment of any such delayed benefit charge shall exempt the property for which the payment was made from any subsequent local improvement district assessment for sewer facilities of any nature. (Ord. 357 § 5, 1957)

13.12.060 Connection to existing line.

When any property abutting on a standard commercial sewer transmission line or standard residential sewer transmission line, as defined in NMC <u>13.12.040</u>, has not previously been assessed or has not previously contributed to the standard construction cost of the line, the property shall at the time of connection to the sewer system, pay a delayed benefit charge which charge shall be the abutting property's proportionate cost of the standard construction cost of the line based on the front foot method of assessment. The delayed benefit charge shall be in addition to any and all connection charges and other charges required to be paid for such services by any ordinance of the city; provided, however, the payment of any such delayed benefit charge shall exempt the property for which the payment was made from any subsequent local improvement district assessment for sewer facilities of any nature. (Ord. 357 § 6, 1957)

13.12.070 New installation inside city.

Whenever any area or areas within the city which are not now served by the sewer system request such service, the person or persons making the request shall provide for the payment of the standard construction costs by means of local improvement districts in the manner provided by law or by direct installation under the specifications and supervision of the sewer superintendent of the city. In the event the city requires the installation of transmission lines in excess of those defined as standard in this chapter, the actual cost of the transmission line in excess of the standard size shall be paid for out of the revenues of the sewer system. (Ord. 357 § 7, 1957)

13.12.080 Installation through undeveloped area.

Whenever the services of the sewer system are required to be extended through an undeveloped area within the city, in order to provide the service to a newly developed area and where in the opinion of the city council it is not feasible to finance the improvement by the formation of a local improvement district in the manner provided by law to pay the standard construction costs as defined in NMC <u>13.12.040</u>, the property in the undeveloped area directly abutting on the sewer service extension shall be subject to a delayed benefit charge, which shall be paid by the owner or owners of the abutting property within the undeveloped area at the time they request such service and prior to their receiving it. The amount of the delayed benefit charge shall be the property's proportionate share of the standard construction costs based on the front foot method of assessment as determined from the books and records of the utility which paid for the total original cost of the installation. The delayed benefit charge shall be in addition to any and all connection charges provided for the service by other ordinances of the city; provided, however, payment of any such delayed benefit charge shall exempt the property for which the payment was made from any subsequent local improvement district assessment for sewer facilities of any nature. (Ord. 357 § 8, 1957)

13.12.090 Delayed benefit charge.

Whenever provision is made throughout this chapter for the payment by the property owner of a delayed benefit charge, the delayed benefit charge may be paid in cash or in annual installments over a five-year period from date of connection. If any such property owner elects to make payments on the annual basis, he shall execute a contract in such form as shall be prescribed by the city council, which contract shall contain the provision that any unpaid balance may be paid in full on the date of any annual payment and the further provision that interest shall be paid on the deferred balances at the rate of five percent per year. The contracts shall be made a covenant running with the land and shall provide that the unpaid balances shall be a lien upon the property to which the connection is made, superior to all other liens and encumbrances except those for general taxes and special assessments, which may be foreclosed in the same manner provided by law for the foreclosure of delinquent local improvement district liens. The contract shall be recorded in the office of the county auditor at the expense of the property owner and upon payment in full a release of the lien shall be executed by the mayor and attested by the city clerk/treasurer. The contract shall further provide that in the event of delinquency in the payment of any installment thereunder the sewer superintendent, or his employees, may give immediate notice of the city's election to foreclose the lien as provided in this section, and the contract shall further provide that the property owner waives the statutory requirements as to the commencing of any action to foreclose the lien, and as to the delinguencies required to foreclose the lien, and that the city shall have the right to declare the entire unpaid balance due and payable upon default in the payment of any installment. (Ord. 357 § 9, 1957)

13.12.100 New installation outside city.

Whenever sewer service is requested by any person or persons residing outside the corporate limits of the city, the following provisions shall apply:

A. All rates for sewer services furnished outside the limits of the city shall be uniform;

B. Any person desiring sewer service outside the city limits shall pay the applicable connection charge as established by ordinance or resolution;

C. Any person developing property outside the city limits and desiring city sewer service shall pay the total cost of all transmission lines to be installed within the area being developed, including all costs of installation. No sewer transmission line shall be installed which is less than six inches in diameter, except by special permission of the city council first obtained which permission shall be limited to the conditions provided in NMC <u>13.12.030</u>;

D. The cost of all catch basins, pumps, pumping stations and incidental piping to the area to be served shall be paid for by the person requesting the service, based on the estimated cost, as determined by the

sewer superintendent, prior to the installation of the service; provided, however, that the cost to be paid by such person shall not exceed that proportion of the total costs of the facilities which the newly developed area bears to the total area which may be served by said facilities. The person requesting such facilities and paying the cost thereof may receive credit for the amount so paid for the facilities by designating to the sewer superintendent by legal description the lots within the newly developed area which are to be served by the sewer system. As to the lots, the cost provided in subsection B of this section shall not apply until the credit has been fully exhausted;

E. The delayed benefit charges as provided in this chapter shall apply equally to areas beyond the limits of the city; provided, however, the total cost of the delayed benefit charges shall be paid prior to allowing any person beyond the limits of the city to connect to the sewer utility service. (Ord. 357 § 10, 1957)

The Newport Municipal Code is current through Ordinance 2106, passed July 5, 2022.

Disclaimer: The city clerk's office has the official version of the Newport Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <u>https://www.newport-wa.org/</u> City Telephone: (509) 447-5611

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Chapter 13.24 WATER AND SEWER CONNECTION FEE

Sections:

13.24.010	Purpose.
13.24.020	Petition procedure for connection to water and sewerage system.
13.24.030	Latecomer fee determination.
13.24.040	Contract authorization.
13.24.050	Defective work.
13.24.060	Maintenance guarantee bond.
13.24.070	Contract time period.
13.24.080	Area to be served.
13.24.090	Latecomer fee - Collection and disbursement.
13.24.100	Administration fees.
13.24.110	Unauthorized connection taps – Removal.
13.24.120	Charges.

13.24.010 Purpose.

A. The purpose for establishing this chapter is to define the rules and regulations that will enable the city to enter into contracts with owners of real estate for water or sewer facilities.

B. For the purpose of **this chapter**, **"water or sewer facilities**" means the construction of storm or sanitary sewers, pumping stations and disposal plants, water mains, hydrants, reservoirs, water supply sources or appurtenances, constructed by owners of real estate within the corporate limits of the city or within 10 miles from the corporate limits of the city connecting with **Newport's water or sewerage system to serve the area in which the real estate of such owners is** located. (Ord. 738A § 1, 1989)

13.24.020 Petition procedure for connection to water and sewerage system.A. Owners of real estate intending to construct water or sewer facilities or have ownership of water or sewer facilities may petition the city for the purpose of connecting to the city's water and sewerage system to serve the area in which the real estate of such owners is located and/or contracting for reimbursement of costs by subsequent users.

B. The mayor or his/her designee shall consider the petition for (1) does the city have the capability and capacity to service the water or sewer facilities connection and (2) does the petition meet the criterion for authorization of latecomer fees.

C. All construction and/or contracts for water or sewer facilities must be approved by the appropriate state agency and city prior to accepting the same as facilities of the municipality. It is suggested that prior to new construction, developers should submit construction plans to the city prior to any improvements to avoid acceptance problems of the new water or sewer facilities.

D. Upon approving the petition for water or sewer facilities the mayor or his/her designee shall notify the petitioner and prepare the appropriate documents in accordance with the provisions of this chapter.

E. A copy of the engineering as-built plans, specification and drawings, including all necessary right-of-way and easement documents shall be provided to the city prior to acceptance of the water or sewer facilities. (Ord. 738A § 2, 1989)

13.24.030 Latecomer fee determination.Criteria for determining latecomer fees shall be based on the following:

A. Latecomer fees shall be based on the cost difference between the construction required by the city and the minimum construction required to the appropriate state agency to serve only the proposed constructed water or sewer facilities.

B. Latecomer fees may be charged on the basis of acreage by the lot, meter size, fire hydrant requirements, expected usage, or a combination of any of the foregoing, whichever is deemed most appropriate in order to provide for a fair pro rata share of the cost of the water or sewer facilities construction by any owner of real estate who did not contribute to the original cost of the construction, including not only those directly connected thereto, but also users connected to laterals or branches connecting thereto.

C. Latecomer fees shall be in addition to any and all connection fees, charges, assessments, levies or deposits required by the city. (Ord. 738A § 3, 1989)

13.24.040 Contract authorization.

The mayor is authorized to enter into contracts for the city with owners of real estate for water or sewer facilities that provides for reimbursement of costs by subsequent users and to insure that the contract provisions contain, but are not limited to, the conditions and requirements provided in this chapter. (Ord. 738A § 4, 1989)

13.24.050 Defective work.

Provision for defective work shall be provided in the contract for no less than one year after city approval and acceptance of owner's water or sewer facilities. (Ord. 738A § 5, 1989)

13.24.060 Maintenance guarantee bond.

The owner shall provide a maintenance guarantee bond in the amount of 10 percent of the value of the water or sewer facilities construction for a period of one year from the date of final approval and acceptance of the water or sewer facilities. (Ord. 738A § 6, 1989)

13.24.070 Contract time period.

All contracts entered into pursuant to this chapter shall provide for a period of not to exceed 10 years for the reimbursement of water or sewer facilities costs. (Ord. 738A § 7, 1989)

13.24.080 Area to be served.

Pursuant to the provisions of this chapter, the area to be served shall be within the boundaries of the city or within 10 miles from the corporate limits of the city. (Ord. 738A § 8, 1989)

13.24.090 Latecomer fee - Collection and disbursement.

A. No person, firm or corporation shall be granted a permit or be authorized to tap into, or use any such water or sewer facilities or extensions thereof during the period of time prescribed in such contract without first paying to the city, in addition to any and all other costs and charges made or assessed for such connection therewith, the amount required by the provisions of the contract under which the water or sewer facilities so tapped into or used were constructed.

B. The city clerk/treasurer shall be the responsible city official for the collection and disbursement of latecomer fees.

C. All latecomer fees collected shall be disbursed under the terms and conditions of each contract within 60 days after the receipt of the collected fees. (Ord. 738A § 9, 1989)

13.24.100 Administration fees.

The city shall collect five percent, but not less than \$20.00 nor more than \$500.00 per connection as determined by the latecomer fees contract for the administration costs of the contracts. (Ord. 738A § 10, 1989)

13.24.110 Unauthorized connection taps – Removal.

Whenever any tap or connection is made into any such contracted water or sewer facilities without such payment having first been made, the mayor or his/her designee may cause to be

removed such unauthorized tap or connection and all connecting tile or pipe located in the facility right-of-way and dispose of unauthorized material so removed without any liability whatsoever to the city or officials. (Ord. 738A § 11, 1989)

13.24.120 Charges.

Upon approval and acceptance of a water or sewer facility the city clerk/treasurer shall charge such water and sewer rates authorized by city water and sewer ordinances. (Ord. 738A § 12, 1989)

The Newport Municipal Code is current through Ordinance 2106, passed July 5, 2022.

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Chapter 13.16 SEWAGE DI SPOSAL REGULATIONS

Sections:

13.16.010	Definitions.	
13.16.020	Use of public sewers required.	
13.16.030	Private sewage disposal.	
13.16.040	Building sewers and connections.	
13.16.050	Use of public sewers and duty to enforce discharge prohibitions.	
13.16.060	Protection from damage.	
13.16.070	Powers and authority of inspectors.	
13.16.080	Penalties.	

13.16.010 Definitions.

Unless the context specifically indicates otherwise, the meaning of items used in this chapter shall be as follows:

A. "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

B. "Sewer superintendent" shall mean the superintendent of sewage works of the city of Newport, or his authorized deputy, agent or representative.

C. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

D. "Sewer" shall mean a pipe or conduit for carrying sewage.

E. "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

F. "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

G. "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

H. "Storm sewer" or "storm drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes. I. "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

J. "Industrial wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

K. **"Garbage" shall mean solid wast**es from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

L. "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

M. "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 feet outside the inner face of the building wall.

N. "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

O. "BOD" (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Centigrade, expressed in parts per million by weight.

P. "pH" shall mean a symbol denoting the negative logarithm of the hydrogen ion concentration in a solution. pH values run from 1 through 14. The number 7 indicates neutrality.

Q. "Suspended solids" ("SS" preferred term) is matter suspended within the treatment process.

R. "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

S. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

T. "Person" shall mean any individual, firm, company, association, society, corporation or group.

U. "Shall" is mandatory; "may" is permissive.

V. "ASTM" shall mean American Society for Testing and Materials (Standards).

W. "PVC" shall mean polyvinyl-styrene chloride.

X. "Grease trap" shall mean a device designed to retain grease from entering into the sewage system. (Ord. 915 § 2, 1999)

13.16.020 Use of public sewers required.

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the city of Newport, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

B. It is unlawful to discharge to any natural outlet within the city of Newport, or in any area under the jurisdiction of said city, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the city of Newport and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is required at his expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 30 days after date of official notice to do so; provided, that the public sewer is within 200 feet of the property line. (Ord. 915 § 3, 1999)

13.16.030 Private sewage disposal.

A. Where a public sanitary or combined sewer is not available under the provisions of NMC <u>13.16.020(D)</u>, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

B. Before commencement of construction of a private service sewage disposal system the owner shall first obtain a permit from Northeast Tri-County health district, division of environmental health. Obtain sewage permit, application and fee schedule at the Tri-County health district local office. Tri-County health district maintains jurisdiction for all on-site sewage disposal systems

within the city and county. See Regulations 01-1995, including amendment adopted August 2, 1995, and October 11, 1995. Authority: These regulations are adopted pursuant to RCW <u>43.20.050</u> and WAC <u>246-272-02001</u>.

C. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in NMC <u>13.16.020(D)</u>, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

D. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

E. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer. (Ord. 915 § 4, 1999)

13.16.040 Building sewers and connections.

A. 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 sewer superintendent.

B. There shall be two classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the sewer superintendent.

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner, including the connection charge as provided in Chapter <u>13.20</u> NMC. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered a one-building sewer.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the sewer superintendent, to meet all requirements of this chapter.

F. The building sewer shall be cast iron soil pipe, ASTM specification (A74-93) or equal; polyvinyl chloride (PVC) ASTM specification (D) 3033 and 3034 may be used with a minimum SDR of 41. **(All pipe joints shall be "O" ring gasket or seal.)** All other suitable material must be approved by the sewer superintendent, if installed in filled or unstable ground. The building sewer shall be of cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the sewer superintendent.

G. The size and slope of the building sewer shall be subject to the approval of the sewer superintendent, but in no event shall the diameter be less than four inches. The slope of the four-inch pipe shall not be less than one-fourth inch per foot.

H. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

I. Building sewers that are located below the crown level on the main sewer shall discharge into an approved watertight pump or receiving tank so located as to receive the sewage or other liquid wastes and shall be lifted and discharged into the building drain or building sewer by approved ejectors, pumps or other equally efficient approved mechanical devices.

J. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the sewer superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specification (C12-19) except that no backfill shall be placed until the work has been inspected.

K. Building sewers located below the next upstream manhole or:

1. Below the main sewer level, drainage piping serving building sewers which have flood level rims located below the elevation of the next upstream manhole cover of the public sewer service. Such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Building sewers above such elevation shall not discharge through the backwater valve. 2. Backwater Requirements. Where a building sewer may be subjected to backflow of sewage, suitable provision will be made to prevent overflow in the building. In any condition where flooding has occurred, due to line blockage within the public sewer, the city shall, at the discretion of sewer superintendent, require the owner of such building to install an approved type backwater valve. In a condition where a backwater valve cannot be installed, an approved ejector pump system may be used. In extreme cases, permanently disconnecting basement drains will be required upon notice by the sewer superintendent. Prevention of backflow steps will be taken at the **owner's expense.**

3. Grease Traps. When in the judgment of the sewer superintendent waste pretreatment is required, an approved type grease trap complying with the current Uniform Plumbing Code shall be installed in the waste line leading from the sink, drains and other fixtures or equipment in establishments such as restaurants, cafes, cafeterias, bars, clubs, hotels, hospitals, school kitchens, and other establishments where grease may be introduced into the drainage or sewer system. A grease trap is not required for individual dwelling units or for any private living quarters. Grease traps shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No such collected grease shall be introduced to the public sewer.

4. Drainage System. The entire building drainage system should be so designed, constructed and maintained as to conduct the waste water or sewage quickly from the fixture to the place of disposal with velocities which will guard against fouling and the deposit of solids and will prevent clogging.

5. Draining Pipes. The drainage pipes would be designed and constructed as to be proof for reasonable life of the building against leakage of water or drainage air due to defective materials, imperfect connections, corrosion, settlements or vibrations of the ground on building temperature changes, freezing or other cause.

6. Sewer Line – Pressure Type. Pipe fittings shall conform to ASTM class 160 minutes for polyvinyl chloride pipe (PVC). All pipe joints shall be "O" ring gaskets or seals.

L. The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such a branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located "Y" branch is available, the owner shall, at his expense, install a "Y" branch in the public sewer at the location specified by the sewer superintendent. Where the

public sewer is greater than 12 inches in diameter, and no properly located "Y" branch is

available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45 degrees. A 45-degree ell may be used to make the connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the sewer superintendent.

M. The applicant for the building sewer permit shall notify the sewer superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the sewer superintendent or his representative.

N. All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. 915 § 5, 1999)

13.16.050 Use of public sewers and duty to enforce discharge prohibitions. A. In accordance with <u>40</u> CFR <u>403.5</u>(a), the permittee shall not authorize or knowingly allow the discharge of any pollutants into its POTW which cause pass through or interference, or which otherwise violates general or specific discharge prohibitions contained in <u>40</u> CFR part <u>403.5</u> or WAC <u>173-216-060</u>.

B. The permittee shall not authorize or knowingly allow the introduction of any of the following into its POTW:

 Pollutants which create a fire or explosion hazard in the POTW (including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees
 Fahrenheit or 60 degrees Centigrade using the test methods specified in <u>40</u> CFR <u>261.21</u>).

2. Pollutants which will cause corrosive damage to the POTW, but in no case discharges with pH lower than 5.0, or greater than 11.0 standard units, unless the works are specifically designed to accommodate such discharges.

3. Solid or viscous pollutants in amounts that could cause obstruction to the flow in sewers or otherwise interfere with the operation of the POTW.

4. Any pollutant, including oxygen demanding pollutants, (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

5. Petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.

6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity which may cause acute worker health and safety problems.

7. Heat in amounts that will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities such that the temperature at which the POTW headworks exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless the department, upon request of the permittee, approves, in writing, alternate temperature limits.

8. Any trucked or hauled pollutants, except at discharge points designated by the permittee.

9. Wastewaters prohibited to be discharged to the POTW by the Dangerous Waste Regulations (Chapter <u>173-303</u> WAC), unless authorized under the Domestic Sewage Exclusion (WAC <u>173-303-071</u>).

C. All of the following are prohibited from discharge to the POTW unless approved in writing by the city under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or the need to augment sewage flows due to septic conditions):

1. Non-contact cooling water in significant volumes.

2. Stormwater, and other direct inflow sources.

3. Wastewater significantly affecting system hydraulic loading, which do not require treatment, or would not be afforded a significant degree of treatment by the system.

D. The permittee shall notify the city if any industrial user violates the prohibitions listed in this section. (Ord. 915 \S 6, 1999)

13.16.060 Protection from damage.

No unauthorized 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 sewage works. Any person violating this provision shall be subject to arrest or citation and criminal prosecution. (Ord. 915 § 7, 1999)

13.16.070 Powers and authority of inspectors.

The sewer superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this chapter. (Ord. 915 § 8, 1999)

13.16.080 Penalties.

A. Any person found to be violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any amount not exceeding \$500.00 for each violation. Each day in which any such violation continues shall be deemed a separate offense.

B. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of such violation. (Ord. 915 § 9, 1999)

The Newport Municipal Code is current through Ordinance 2106, passed July 5, 2022.

Disclaimer: The city clerk's office has the official version of the Newport Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <u>https://www.newport-wa.org/</u> City Telephone: (509) 447-5611

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Chapter 13.20 SEWER RATES AND CHARGES

Sections:

- 13.20.010 Connection required.
- 13.20.020 Sewer rates inside city.
- 13.20.025 Sewer rates outside city limits.
- 13.20.030 Repealed.
- 13.20.040 Billing of services Due date and delinquency penalty.
- 13.20.050 Sewer connection charge.
- 13.20.060 Charges constitute lien against property served.
- 13.20.070 Collection and deposit of charges.
- 13.20.080 Office rent.

13.20.010 Connection required.

A. The owner of each lot or parcel of real property within the area to be served by the sanitary sewage disposal system of the city, as it now exists and as it may be improved and extended in the future, upon which lot or parcel of real property there shall be situated any building or structure for human occupation or for use for any other purpose which shall require sewer service shall cause a connection to be made between the sewerage system and each such building or structure; provided, that where more than one building is located on a lot or parcel of land not larger than 50 feet in width and 136 feet in depth, only one connection for the buildings need be made.

B. All connections shall be made to the sewerage system in a permanent and sanitary manner subject to the approval of the sewer superintendent, and shall be sufficient to carry all sewage and waste fluids of any kind from the buildings into the system, and each toilet, sink, stationary washstand or any other piece or type of equipment having waste fluids shall be connected with the sewerage system; and the connection shall be made on or before the completion of the building or structure and before any use or occupation thereof. (Ord. 493 § 1, 1973; Ord. 316 § 1, 1950)

13.20.020 Sewer rates inside city.

A. All property upon which any building is now or may hereafter be erected which requires a sewer connection with the city sewer system shall be subject to the monthly rate set forth in the city's current fee schedule. The monthly rates are calculated based upon the water meter size servicing the property and on one equivalent residential unit (ERU), which is the equivalent of 10,000 gallons usage per month.

B. Residential (R) Combined Services. Where more than one user is served through the same water meter, which shall include but not be limited to duplexes, more than one dwelling on the same meter, or any other combination served by the same meter, each unit shall be classified as a separate sewer user and shall pay the minimum rate as set forth in subsection A of this section.

C. It is declared to be the policy of the city that, in the determination of the classification of any premises for the determination of the monthly sewer service rate where there may exist some doubt as to which classification shall prevail, the classification providing for the largest monthly sewer service rate shall apply.

D. Sewer Overage Rates.

1. It is declared to be the policy of the city that the monthly overage rates shall be based on the water meter readings for each property served for the period of October 15th through April 14th; provided, that the water meters shall be read monthly for designated commercial classifications as determined by the mayor or designee. All readings in excess of the gallons allowed per month as set forth in subsection A of this section shall be considered overages, and shall be subject to an overage rate as set forth in the city's current fee schedule. The overage rate shall be determined by adding the total gallons of water used for the period of October 15th through April 14th (total winter gallons used), minus the gallons allowed per month (total winter gallons allowed per month) divided by six, multiplied by the overage rate per 1,000 gallons, and the total thereof shall be added to the monthly sewer service charge until readjusted according to the next October 15th reading through April 14th reading.

Provided, however, that any sewer overage amount due from a commercial customer whose meter is read monthly and whose water and sewer usage is almost exclusively for washing and drying clothing, such as a laundromat, shall have their monthly overage amount reduced by five percent to account for the water which evaporates in the drying process and does not enter the sewer system.

2. Annual Overage Payment Election. The payer of the monthly overage rate as determined in subsection (D)(1) of this section may elect to pay the full year's sewer overage rate in advance without benefit of a discount on or before May 20th of each year commencing May 20, 1993. The following formula will be used to calculate overage rates from the October 15th reading through April 14th reading:

Total Winter Gallons Used minus Total Winter Gallons Allowed divided by six months times Overage Rate per 1,000 Gallons equals Overage Rate per Month.

E. Sewer Annual Payment Election. The payer of the monthly sewer charge may elect to pay the full year's sewer service charges in advance. The full year's sewer service shall be determined by multiplying the monthly sewer service charge by 12 and then receiving a discount as determined by the city's current fee schedule. (Ord. 2009 § 1(14), 2014; Ord. 1098 § 1, 2013; Ord. 1092 § 1, 2013; Ord. 1084 § 1, 2012; Ord. 1081 § 1, 2011; Ord. 1070 § 1, 2011; Ord. 1067 § 1, 2010; Ord. 1049 § 1, 2008; Ord. 1047 § 1, 2008; Ord. 1032 § 1, 2005; Ord. 1000 § 1, 2003; Ord. 963 § 1, 2002; Ord. 947 § 1, 2001; Ord. 906 § 1(1), 1997; Ord. 818 § 1, 1992; Ord. 667 § 1, 1984; Ord. 638 § 1, 1983; Ord. 636 § 1, 1982; Ord. 578 § 1, 1979; Ord. 528 § 1, 1975; Ord. 505 § 1, 1974; Ord. 386 § 1, 1961; Ord. 316 § 2, 1950)

13.20.025 Sewer rates outside city limits.

Minimum sewer rates to users outside the corporate limits of the city and within the state of Washington shall be the same as those charged for sewer service inside the corporate limits of the city as set forth in NMC <u>13.20.020</u>(A), except that all charges for such sewer services outside the corporate limits of the city and all consumption over the gallons allowed per month shall be computed as set forth

in NMC <u>13.20.020(D)</u>, and the total therefor shall be increased by a fee set forth in the city's current fee schedule. (Ord. 2009 § 1(16), 2014; Ord. 818 § 3, 1992)

13.20.030 Rates increased.

Repealed by Ord. 2030. (Ord. 463 § 1, 1970; Ord. 456 § 1, 1970)

13.20.040 Billing of services – Due date and delinquency penalty.

A. Sanitary sewage disposal service charges are declared now and hereafter the responsibility and liability of the owner of the property being provided said service. Effective immediately, the city clerk/treasurer shall cause to be entered on the utility record accounts, now, on existing user accounts and in the future, the names of owners of property being provided or which will be provided sanitary sewage disposal services. So as not to disrupt the normal billing cycle pending the transition of property owners names to the utility record accounts, billings may be charged to present users' name. Effective as of the date of the passage of the ordinance codified in this chapter, notice of the prescribed changes shall be included in all billings for three consecutive months.

B. Sewer Late Charge. In the event that a sewer bill is not paid on or before the twentieth day of the month received, a monthly late charge in the amount set forth in the city's current fee schedule will be assessed, which shall be paid with the payment of the sewer bill.

C. In the event that any sanitary sewage disposal service bill, charge or rate is not paid by the twentieth day of the month in which it becomes delinquent as provided above, a notice of delinquency will be mailed giving notice of and fixing a date for water shutoff and for a prior public hearing to allow the user to appear and be heard by the city council and show good cause for nonpayment. If good cause is not found by the council, the water service to the premises will be shut off. The city public works field supervisor may post an additional notice on the property prior to water shutoff.

D. The monthly rates and other charges shall be owed by the person owning the property on the fifteenth day of the month in which the service is provided. If the property is sold during a service month, the seller and purchaser of the property shall have sole responsibility to adjust between themselves the rates, charges and service bill accordingly. Failure of either to do so shall not affect the lien rights of the city. (Ord. 2009 § 1(15), 2014; Ord. 796 § 2, 1992; Ord. 316 § 3, 1950)

13.20.050 Sewer connection charge.

A. In addition to the foregoing rates and charges, the city shall charge for each connection made with the sewerage system the charges set forth in the city's current fee schedule.

B. The connection charge shall become due and payable prior to completing the connection to the sewage system and, if not so paid on or before said date, it shall become delinquent and shall bear interest at the rate set forth in the city's current fee schedule from the date of delinquency until paid. (Ord. 2009 § 1(17), 2014; Ord. 1043 § 1, 2007; Ord. 983 § 1, 2003; Ord. 906 § 1(2), 1997; Ord. 818 § 1, 1992; Ord. 667 § 2, 1984; Ord. 468 § 1, 1971; Ord. 447 § 1, 1969; Ord. 316 § 4, 1950)

13.20.060 Charges constitute lien against property served.

A. All charges for sewage disposal service and for connections with the sewerage system, together with the penalties and interest thereon as provided in this chapter, shall be a lien on the property upon which

the connection is made or sewerage service rendered, superior to all other liens or encumbrances except those for general taxes and special assessments.

B. Enforcement of the lien or liens shall be in the manner provided by law for the enforcement of liens and for delinquent sewerage service charges.

C. As an additional and concurrent method of enforcing the lien authorized in this section, the city may cut off the water service furnished from the municipal water system to the premises to which the sewer service was furnished after the charges become delinquent and unpaid until the charges are paid, in the manner provided by law. (Ord. 427 § 1, 1967; Ord. 316 § 5, 1950)

13.20.070 Collection and deposit of charges.

The city clerk/treasurer shall collect all rates and charges provided for in this chapter and accruing from time to time and all such sums, when collected, shall be paid into the fund of the city created by Ordinance No. 315 and entitled "Newport Sewer Revenue Fund." The city clerk/treasurer shall pay from the fund into the Newport 1950 sewer revenue bond redemption fund, created by Ordinance No. 315, all the sums required by the ordinance to be paid into the fund at the time or times required. (Ord. 316 § 6, 1950)

13.20.080 Office rent.

There is fixed an annual office rental charge as set forth in the city's current fee schedule for the office space used by the city sewer department, which shall be paid from the city sewer fund and deposited to the city current expense fund. (Ord. 2070 § 1, 2019)

The Newport Municipal Code is current through Ordinance 2106, passed July 5, 2022.

Disclaimer: The city clerk's office has the official version of the Newport Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <u>https://www.newport-wa.org/</u> City Telephone: (509) 447-5611

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Appendix C

WBWSD Sanitary Sewer Agreement

ORIGINAL

CITY OF NEWPORT AGREEMENT NO. NP2013-04

WEST BONNER SEWER DISTRICT AGREEMENT NO. 2013-01

AGREEMENT PROVIDING FOR MONTHLY PAYMENTS OF WEST BONNER'S PORTION OF SLUDGE REVENUE GENERATED BY THE SEWER TREATMENT PLANT

This agreement is made this 22nd day of January 2013 between the City of Newport and the West Bonner Sewer District concerning the division and disbursement of sludge revenues.

WHEREAS, the City of Newport has 70% of the sewer plant capacity and the West Bonner Sewer District has 30% of the sewer plant capacity and since the parties divide costs in those proportions, it is just and equitable to divide any sludge revenues upon those same terms.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

All revenue generated from the receipt of sludge material from entities other than the City of Newport or the West Bonner Sewer District will be split 70% to Newport and 30% to the West Bonner Sewer District payable monthly by the City.

DATED THIS 22ND DAY OF JANUARY 2013

CITY OF NEWPORT Ano

WEST BONNER SEWER DISTRICT

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NP2012-07

FIRST AMENDMENT TO AGREEMENT

This First Amendment to Agreement, is made and entered into by and between the **CITY OF NEWPORT, WASHINGTON**, hereinafter called the "CITY," and **WEST BONNER WATER AND SEWER DISTRICT**, the successor to West Bonner Sewer District No. 1 of Bonner County, Idaho, hereinafter called the "DISTRICT."

WHEREAS, the CITY entered into an Agreement dated July 6, 1983 with the DISTRICT, a copy of which is appended hereto as Exhibit "A"; and

WHEREAS, the Agreement provides that it is for a period of thirty (30) years from the date of the agreement, but can be extended at the request of the DISTRICT for an additional twenty (20) years.

In consideration of the mutual promises and covenants contained herein, the parties hereby agree that the above-referenced Agreement is modified as follows:

Provisions

1. Part Three, Subdivision Standards, Item I is amended to read as follows:

" This agreement shall expire July 6, 2033. Any extensions of time shall be for such period as shall be by mutual agreement of the parties."

2. This modification is effective as of the the day of Aubust, 2012.

3. This modification incorporates and includes all of the changes agreed by and between the parties and supersedes and replaces any oral discussions, representations, or stipulations previously entered into by the parties.

4. All other provisions of the above-described contract shall remain in full force and effect and shall not in any way be modified, changed, altered, or amended by this contract modification.

CITY OF NEWPORT, WASHINGTON Mayor Date: S

ATTEST:

City Clerk

WEST BONNER WATER AND SEWER DISTRICT

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Lonnie Orr, Chairman Date: <u>7/19/1</u>2

ATTEST:

Sheila Gormley, Board Clerk/Treasurer

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AGREEMENT

Exhibit A- 181312

THIS AGREEMENT, made and entered into this ______ 1 day of 2 , 1983, by and between the CITY OF NEWPORT, Washington, hereinafter referred to as the "CITY", and the WEST BONNER 3 SEWER DISTRICT NO. 1 of Bonner County, Idaho, hereinafter referred to as the "DISTRICT".

WITNESSETH:

WHEREAS, the City is the owner of a Sewage Freatment P 9 10 operated for the benefit of its residents; and

12 WHEREAS, the City and District have had an agreement that 13 allows for the disposal of the District's sewage through the 14 City's Sewage Treatment Plant; and

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16 WHEREAS, the City has installed a flow metering device at 17 the junction of the City and District's systems, which said flow 18 metering device has a remote reading and recording instrument lo-19 cated at the Sewage Treatment Plant and was installed to establish 20 a percentage of flow between the City and District, which percen-21 tage of flow will determine the District's wholesale costs in 22 relation to operation and maintenance of the Sewage Treatment 23 Plant; and

25 WHEREAS, the City intends to expand and improve the existing 26 Sewage Treatment Plant; and

28 WHEREAS, the City has enacted Ordinance 357 permitting the 29 furnishing of sewerage service outside of the corporated limits of 30 the City according to the provisions of said Ordinance; and 31

32 WHEREAS, the State of Washington laws, RCW 39.34.030 author-33 izes municipalities to enter into inter-local agreements with 34 other state agencies; and

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WHEREAS, the State of Idaho laws, I.C. \$ 67-2326 through
 67-2333 authorizes joint action by public agencies; and

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WHEREAS, the City and District have met from time to time and have determined that it is of mutual benefit to the health and welfare of the respective municipalities to enter into a renegotiated agreement for the continuation of providing sewerage disposal services.

NOW, THEREFORE, in consideration of the benefits to each party and in consideration of the mutual covenants herein contained, it is hereby agreed between the City and the District as follows:

PART ONE

CUSTOMER RELATED O&M SERVICES

ITEM I

The purpose of this agreement is to provide continued sewerage disposal service to the District and establish a method for the District to pay for said sewerage disposal service and provide for a method of calculation of the District's share of costs for the Phase II Sewage Treatment Plant expansion and improvements based on a percentage of flow ratio and growth factor, such share of costs hereinafter referred to as the "connection fee".

ITEM II

The City and District each own and maintain a "retail" sewage collection system within the limits of both municipalities. Each municipality shall maintain, operate and keep in good repair its own respective "retail" sewage collection system. The City agrees to take all necessary measures to collect delinquent fees from users who are physically located within the City limits, but who are connected to the District's sewage collection system. Such

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1 measures shall include any and all collection means which are 2 authorized by law.

ITEM III

ITEM IV

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6 The City and District shall hold and save each other harmless 7 of and from any liability of any kind or nature as to maintenance, 8 repairs, upkeep or any other damages to their respective "retail" 9 collection systems.

The City and District will each enact and enforce such ordinances, resolutions and orders as are necessary to prevent system damaging contaminants and excess non-sanitary waters from being discharged into the collection system and to assure compliance with all other requirements either imposed by law for the operation of public sewage collection and treatment facilities general= ly, or essential for prudent system operation.

ITEM V

The City shall maintain, operate and keep in good repair the
City's Sewage Treatment Plant in compliance with all applicable
local, state and federal laws and regulations.

ITEM VI

29 The City and District shall disallow any connections to their 30 respective "retail" collection system which do not comply with the 31 existing or future applicable regulations relating to the discharge 32 of sewage into the City's Sewage Treatment Plant. The quality of 33 the sewage discharge into the City's Sewage Treatment Plant shall 34 not exceed the heavy metal and other chemical allowances required 35 by the State of Washington, Department of Ecology (DOE), and 36 Federal Environmental Protection Agency (EPA), without prior pre-181312

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treatment or as provided for in the City's and the District's 1 sewer use ordinance. 2

٦ Both the City and the District agree to provide, by ordinance or resolution, for the enforcement of the terms and provisions of 4 this paragraph, and to provide that a violation thereof shall 5 6 subject the violating party to civil and criminal penalties which in the opinion of the respective governing bodies of the City and 7 the District, are adequate to protect the system. Said ordinance 8 shall further provide for injunctive relief against the violating 9 10 party and for the collection of costs and attorney's fees.

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ITEM VII

14 At the District's written request, other sewerage related services may be rendered by the City. Actual costs for labor, 15 16 materials furnished and equipment rental will be determined by a 17 schedule of rates adopted by the City.

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ITEM VIII

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21 The City has installed a flow metering device at the junction 22 of the City and District's systems, which said flow metering 23 device has a remote reading and recording instrument located at the Sewage Treatment Plant and was installed to establish a sewage 24 25 percentage of flow between the City and District. The City also 26 maintains a similar flow metering device for all flow received at 27 the Sewage Treatment Plant. The flow metering device, recorders, 28 and sampling devices shall be maintained by the City and shall be 29 accessable upon request by the District for verifying measurements 30 calibrations and percent of flow calculations. Maintenance and 31 upkeep costs of the flow metering device and associated equipment 32 will be an operation and maintenance (O&M) expense.

ITEM IX

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The percentage of flow ratio will determine the District's

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share of actual operating and maintenance expenses of the City's 1 Sewage Treatment Plant for a budget year. A budget year will be 2 from January 1st through December 31st. The percentage of flow 3 4 ratio will be calculated from July 1st through June 30th. And 5 once the flow ratio has been established it will remain constant 6 thereafter, provided plus or minus of two percent tolerance will 7 be required before adjusting the previous years percentage of 8 flow ratio. Percentage adjustments will reflect proportionately the District's share of actual O&M expenses. 9

The following formula will be used to calculate the percentage of 11 12 flow ratio:

13 $1/12^{x^{a}/b^{x}}$ new fiscal year budget estimate for estimated estimated WBSD = WBSD No.1 x 12 = No.1 yearly 14 O&M costs monthly billing billing 15 a = metered flow from District's collection system for a twelve 16 month period;

17 b = total metered flow through the Sewage Treatment Plant during 18 the same twelve month period.

20 The City will provide to the District no later than July 31st 21 of each year a projected O&M budget estimate for the forthcoming 22 budget year. The City will give to the District a copy of the 23 finalized Sewer O&M budget no later than January 31st of the new budget year, which such Q&M budget being annotated to reflect the 25 actual O&M line item expenses that will be billed monthly to the 26 District.

28 The City will submit to the District three (3) working days 29 after the first City Council meeting a billing for the District's 30 budgeted O&M expenses incurred during the previous month. The 31 District agrees to pay each bill within thirty (30) days of re-32 ceipt.

34 It is mutually agreed that for the budget year 1983, the 35 District shall pay the City twenty-five percent of operation and 36 maintenance cost of the Sewage Treatment Plant.

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All questions concerning the District's bills shall be in writing and directed to the City's Administrative Assistant for processing. Questions not resolved to the District's satisfaction may be referred to the joint Sewer Committee by either party for resolution.

7 The City will evaluate the Wastewater Treatment Plant's
8 actual O&M expenditures at the end of a budget year, such evalua9 tion will serve to make necessary adjustments to the District's
10 paid O&M expenses for the previous budget year.

12 O&M adjustments will be made in the following manner: 13 1. Amounts due the District will be reimbursed by: 14 a. reducing the amount of the District's estimated O&M 15 expenses for the new budget year, or 16 b. by payment of a "lump sum". 17 2. Amounts due the City will be reimbursed by: 18 a. increasing the amount of the District's estimated 19 O&M expenses for the new budget year, or 20 b. by payment of a "lump sum".

21 The choice of options is that of the municipality owing the debt 22 for adjusted O&M expenses.

Evaluation of the actual O&M expenses will be made after January 21st and the District will be notified of the adjustment during the month of February.

ITEM X

The City maintains two (2) renewal, replacement and betterment reserve accounts for the purpose of funding anticipated capital improvements and unforeseen capital expenditures. The reserve accounts are not to be used for routine O&M expenses of expansion. When actual costs are incurred and funds are expended from the reserve accounts, the City will bill the District and such billing will be based on the yearly percentage of flow ratio

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1 as outlined in ITEM IX (PART 1).

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ITEM XI

5 The security for payment by the District to the City is as 6 follows: (a) the District's "retail" charge to its users will 7 be treated as an expense of operation and maintenance of the 8 District's sewerage system; (b) the District will set its rates 9 and charges sufficient to adequately maintain and operate its 10 system, pay its charges to the City, pay its own debt service and 11 provide for a reserve.

ITEM XII

For the purpose of settling any differences that may arise relating to the operation of any of the terms of this agreement, the City shall select two (2) members of its Council to represent the City, and the District shall select two (2) members of its governing board to represent the District, and such persons shall constitute a committee to consider such differences.

After a fair good faith hearing has been held by the committee, a majority vote of its members shall be the recommended settlement of the differences, and such recommendation shall be certified to the respective governing boards for their consideration and adoption.

The committee shall hold hearings upon seven (7) days notice, and only with all members in attendance. Failure of the members to attend such hearings, without good cause, shall be construed as a withdrawal of the alleged difference.

ITEM XIII

35 The City and District shall hold and save each other harmless
36 of and from any liability of any kind or nature as to any loan

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debt service repayment required by either the City of District.

PART	ጥພር
PART	TWO

PHASE II IMPROVEMENTS

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ITEM I

8 The District agrees to pay to the City, a connection fee for 9 the 1983 Phase II improvements to the Sewage Treatment Plant. 10 Said fee is to be considered as a capacity investment in thirty 11 percent of the additional increment in treatment capacity result-12 ing from the Phase II improvements. As the daily average design 13 flow of the increment of Phase II improvements is 220,000 gallons 14 per day, the capacity of the District's connection fee shall be: 15 220,000 GPD x 30% = 66,000 gallon per day. * 16

* capacity based on monthly average flow rate.

The District agrees to pay as a connection fee, thirty percent of Phase II common project costs, conditioned as follows: 1. Common project costs will be considered those costs which benefit both the City and District, and which are integra to construction of said improvements (including bid price and any change orders). Costs which are not considered common project costs, and which shall be borne by the City and District independently, include but are not limited to:

> a. legal fees for municipal bonding and loans, review of interagency agreements, or other non-construction legal assistance.

- b engineering fees for rate studies, ordinance and interagency agreement developement, assistance in grant or loan acquisition, or other non-construction legal assistance.
- administrative costs which are not documented as C. construction project related or which are a routine function of City operation.

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d. charges for interim interest on loans during the 1 2 construction period; provided that if the District 3 fails to make partial payments within forty-five (45) 4 days after receipt of request for payment, then the District will be charged their proportionate share 5 of the accrued interim interest for the outstanding 6 7 amount until payment is made by the District. The City assumes full responsibility regarding the pre-8 2 paration of progress payment estimates. 9 10 3. The District shall make monthly progress payments to the City within forty-five (45) days after receipt of request 11 12 for payment. The billings from the City shall include cost share calculations consistent with conditions of 13 the agreement. 14 4. The City shall exercise full control in all matters re-15 16 lating to the Phase II Sewage Plant construction and shall determine the amount of awarded contracts. 17 5. The District's estimated connection fee for Phase II 18 19 improvements is \$276,550.00 and will be proportionally 20 adjusted after awarding of bids, but shall not exceed \$75,000.00 in District's cost and the State of Idaho 21 22 grant eligible participation. 23 24 ITEM II 25

The City and District mutually agree that twenty percent of the existing treatment capacity of 280,000 gallons per day is an equitable percentage allowable to the District for prior District's capacity investments.

As provided for in ITEM I (PART TWO), the District's current connection fee for Phase II improvements is a capacity investment in thirty percent of the 220,000 gallons per day of increased treatment capacity, which totals a gross capacity of 500,000 gallons per day. Therefore, it is agreed that the District's proportionate share of the Sewage Treatment Plant capacity, upon

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· 244 Oldown Capacity

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completion of Phase II improvements shall be: $Cwb = 20\% \times 280,000 \text{ GPD} + 30\% \times 220,000 = 122,000 \text{ GPD}$ * the term "gallons per day" shall be based on a "monthly average flow rate". Cwb means capacity of treatment for West Bonner Sewer District No. 1.

In no event shall it be construed, suggested or implied in any form, that the District shares in the ownership of the City's Wastewater Treatment Plant, irregardless of the District's participation in the costs for expansion, improvements or betterments of the Plant, whether it be in the past, present or in the future.

ITEM III

In the management of the Wastewater Treatment Plant, the City intends to fully utilize the maximum treatment capacity allowable prior to expanding the Plant after the Phase II improve-17 18 ments have been made, provided that unexpected growth would 19 necessitate the expansion of the Plant prior to reaching maximum 20 treatment capacity. However, the District's Treatment Plant 21 capacity of 122,000 gallons per day shall be made available by the 22 City to the District as needed.

24 Whether it be the City, or the District, or both exceeding 25 their respective current, allowable capacities (whereby the maxi-26 mum treatment capacity is reached), that would necessitate the 27 need to expand the plant. That expansion will be determined by 28 the City, and such determination will be based on the terms and 29 conditions of this agreement.

In the event that it shall become necessary for the City to 32 up-grade the Wastewater Treatment Plant (i.e. to maintain the quality of effluent to meet changed regulatory standards), the District agrees that it will participate in the cost of the improvements.

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All costs related to up-grading, improvements or betterments 1 of the Wastewater Treatment Plant, whereby the District partici-2 pates, will be negotiated on a ratio basis. 3

If the City should expand treatment capacity and it is deter-5 6 mined under the terms of this agreement that the District is not 7 required to participate, then the District would not be charged 8 for additional O&M costs caused by expansion.

PART THREE

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STANDARD PROVISIONS

ITEM I

15 The life of this contract shall be for a period of thirty 16 (30) years from date hereof. The City hereby grants to the Dis-17 trict the option to extend the life of this contract for an 18 additional twenty (20) years from the expiration date of this 19 agreement, by making written notice to the City one-hundred eighty 20 (180) days prior to the date of expiration. Thereafter, any fur-21 ther extensions of time shall be for such periods as shall be 22 agreed upon by the City and the District.

ITEM II

26 The agreement shall be in full force and effect from such date as each of the parties shall take the action required by law 28 to validate the same.

ITEM III

This agreement, upon signing, supercedes all prior agreements between the City and District pertaining to the same subject matter.

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IN WITNESS WHEREOF, the parties to this agreement have executed the same by reason of the authorization separately obtained by each party as required by the laws governing their powers. DATED AT NEWPORT, WASHINGTON, this day of Mayor City of Newport, Washington C ATTEST Newport City Clerk-Treasurer Chairman West Bonner Sewer District No. 1 of Bonner County, Idaho ATTEST: NONO Secretary West Bonner Sewer District No. 1 of Bonner County, Idaho

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