

Extra Strength Charge Program Administrative Rules

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ENVIRONMENTAL SERVICES
CITY OF PORTLAND

working for clean rivers

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These are administrative rules of the Bureau of Environmental Services (BES) for the Extra Strength Charge program. See the Explanatory Information in Appendix A for applicable code citations, policies, and other information relating to these rules.

1. Applicability

Sanitary sewer ratepayers or their tenants who discharge or have the potential to discharge wastewater with high pollutant concentrations of Biological Oxygen Demand (BOD) or Total Suspended Solids (TSS) must comply with these rules.

2. Purpose

The purpose of the Extra Strength Charge (ESC) program is to recover the cost of high-strength wastewater treatment from users who discharge into the City's sanitary sewer systems, which include the separate sanitary and combined sewer. Billing high-strength dischargers on the City water and sewer bill provides rate equity and prevents the costs of treatment for high-strength wastewater from being passed on to the other ratepayers. High-strength wastewater discharges are those with BOD or TSS in excess of those concentrations that occur as part of the City's base sewer user charge.

3. Definitions

These rules use the same definitions found in Portland City Code (PCC) Section 17.36, 17.34 and the Fats, Oils and Grease (FOG) program administrative rules (ENB-4.26). The definitions below are unique to these rules:

- A. **“Batch Discharge”** means a controlled, discrete, intermittent, and contained volume of discharge.
- B. **“Class Average”** means the average discharge concentration thresholds of BOD and TSS for a particular business type with and without approved best management practices in place. Class average concentration thresholds are identified in the Class Average Table in Appendix B of these rules.
- C. **“Class Average ESC Method”** means an ESC billing method based on a ratepayer's business type and its assumed average discharge concentration per the Class Average Table in Appendix B of these rules.
- D. **“Composite Sample”** means a series of individual and discrete samples taken at selected intervals based on either an increment of flow or time. The samples are mixed together to approximate the average composition of the discharge to the public sewer system. A composite for one day must consist of a pool of samples collected over the period of expected discharge during the production day.
- E. **“Facial Challenge”** means a challenge to a requirement that is based on an argument that the requirement cannot be applied fairly or reasonably in any situation. By contrast, an as-applied challenge is one based on an argument that a requirement should not be applied to the challenger's particular situation because of factors that, in the challenger's view, distinguish it from similar situations.
- F. **“Food Grinder”** means any mechanical device designed to grind or pulverize solid materials for the purpose of making the material suitable for disposal to the sanitary sewer system.
- G. **“High-Strength Wastewater”** means wastewater which has a BOD concentration in excess of 300 mg/L or a TSS concentration in excess of 350 mg/L.
- H. **“Measured ESC Method”** means an ESC billing method based on rolling average sampling and analysis of an individual businesses wastewater discharge volume and pollutant loading to the City's sanitary sewer system.

- I. **“Non-routine Discharge”** means a discharge that is an explainable, uncontrolled release or spill to the City sewer system that is not representative of the normal or expected characteristics of a facility’s wastewater discharge and may include discharges defined as slugloads.
- J. **“Sampling Manhole”** means a manhole in a ratepayer’s branch sewer or other monitoring access acceptable to BES that allows for observation, sampling or measurement of all wastes being discharged into the City’s sanitary sewer system.

4. Regulatory Authority

The City of Portland, as an operator of a publicly-owned treatment works (POTW), must use a rate structure that fairly distributes the cost of its operation to ratepayers, including contributors of high-strength wastewater [Part 35 of 40 Code of Federal Regulations (CFR) Appendix B to Subpart E]. The City has established PCC Chapters 17.34 and 17.36 to regulate, and charge for, high-strength wastewater discharges to the City’s combined or separate sanitary sewer system.

5. Billing Methodology

Ratepayers with high-strength wastewater discharges shall be assessed ESCs using one of the following two methodologies at the discretion of BES:

- A. **Class Average ESC Method.** Ratepayers billed using the Class Average ESC Method are assessed surcharges based on the average discharge concentrations of BOD and TSS for their business class. Ratepayers who employ one or more of the best management practices (BMPs) listed in the Class Average Table may be eligible for a rate reduction.
 - 1. *Class Average Table.* The Class Average Table (Appendix B) establishes:
 - a. The average discharge concentration for BOD and TSS for each business class; and
 - b. The pollutant load discount from the average concentration to which a ratepayer is entitled based on the use of approved BMPs, as verified by city staff.
 - 2. *Class Identification.* Any ratepayer identified by the Class Average Table who believes they are part of a definable sub-class can request the creation of a sub-class through the variance process (Section 8). Such requests must reasonably demonstrate that their sub-class’s average discharge concentration is substantially different from the listed class-average concentration. Any sampling and monitoring associated with a sub-class request must comply with the conditions of Section 5.B. A ratepayer may be assigned an average discharge rate if:
 - a. The ratepayer is not a member of one of the classes on the Class Average Table, but their discharges are similar to those of a Measured ESC method ratepayer; and
 - b. They have no suitable sampling location.
 - 3. *Flow Apportionment and Estimation.* In cases where a sewer account serves multiple tenants or multiple business classes, it may be necessary to apportion the total TSS and BOD loading and flow amongst several different business class averages. Tenants will be apportioned a percentage of the overall flow and assigned a discharge concentration based on the Class Average Table by BES staff.

- a. BES staff will determine the appropriate flow estimation or apportionment percentages to apply to the account based on any of the following methods that quantify water use:
 - i. Information from private meters and historical tenant water use from the sewer account holder;
 - ii. Restaurant seat counts to estimate flow or relative size of the tenant;
 - iii. Plumbing fixture counts to estimate flow or relative size of the tenant;
 - iv. Comparison to similar facilities where the City, tenant, or sewer account holder has calculated or measured the amount of water use; or
 - v. Data from the ratepayer related to food sales or numbers of meals prepared.
 - b. Sewer account holders must notify the City of any change in tenant occupancy that may alter the accuracy of established flow percentage apportionments. Sewer account holders may receive retroactive credits for up to three months for late reporting of an occupancy change.
 - c. Sewer account holders may participate in the Submeter Program to obtain precise measurement and apportionment of ESCs to individual tenants based on private water meters and self-submitted reads. There is an administrative charge for each meter added to an account. Ratepayers that fail to regularly report their meter reads will be dropped from the Submeter Program and generalized ESCs will be restored based on the criteria of Section 5.A.3.a.
4. *Approved BMPs for Rate Reduction.* Ratepayers subject to the Class Average ESC Method may be eligible for the rate discounts in Appendix B for using approved BMPs:
- a. Food Grinder Removal. Ratepayers must allow BES staff inspection and verification that food grinders have been removed or are not present.
 - i. Ratepayers may also receive additional rate discounts by diverting their food waste to a verifiable food composting or charitable food donation program.
 - b. Grease-Management Devices. To qualify, ratepayers must do all of the following:
 - i. Allow BES staff to inspect the device to determine the type of grease-management device and ensure it is properly sized and installed.
 - ii. Plumb the facility's FOG fixtures to a grease-management device. If only a portion of a facility's FOG fixtures are connected to a grease-management device, the rate reduction may be prorated accordingly.
 - iii. Maintain grease-management devices and participate in the Preferred Pumper Program which provides BES with maintenance records. If the records show that the frequency of maintenance is inadequate, the rate reduction for ESC may be revoked and the default higher Class Average discharge volume and the higher ESC rate imposed.
 - (1) Ratepayers will be disqualified from receiving this rate discount if they are found to be using any FOG-emulsifying agents (products that clean grease-management devices and upstream or downstream sewer lines).

- c. **Combined BMP Discount.** After January 1, 2014, a ratepayer can apply for an additional 5% reduction in their strength concentration as listed in the Class Average Table if their facility meets all of the following:
 - i. Has no food grinders;
 - ii. Participates in food composting and/or food donation that manages all solid food waste;
 - iii. Has all required fixtures in the kitchens or food processing areas plumbed to adequately sized and maintained grease removal devices;
 - iv. Has an established and approved grease removal device maintenance frequency;
 - v. Has not been shown to cause a grease blockage of, and has not been identified as contributing to grease buildup in, the sewer system within the previous 12 months;
 - vi. Is using a preferred hauler or the ratepayer has submitted all required self cleaning records on time to the BES within the previous 12 months; and
 - vii. Has not had any violations of the PCC or any sewer use-related rules within the previous 12 months.
- d. **Other BMP Rate Reductions.** Ratepayers may request rate reductions based on BMPs other than those applicable to their business class through the variance process (Section 8). Ratepayers must provide documentation that BMPs meet both the following:
 - i. Result in an immediate and measurable reduction of BOD and/or TSS; and
 - ii. Continue to produce reductions of TSS and BOD in a verifiable, practical and efficient manner.

If a BMP is determined to be inappropriate for inclusion in the Class Average Table based on the above criteria, a ratepayer may still request, and qualify for, a custom rate via the self-monitoring procedure (Section 5.A.5).

- 5. ***Custom Rates.*** As an alternative to the Class Average Rate Method, a ratepayer may provide a monitoring study to show that the business class average they are assigned does not accurately characterize their wastewater discharges. The ratepayer must submit analytical results for a minimum of five consecutive days of sampling collected during hours of operation. The Custom Rate Method differs from the Measured ESC Method (Section 5.B) in that there is no ongoing scheduled sampling or rolling-average assessments. In order to establish a custom rate, ratepayers must do all of the following:
 - a. **Notice.** Ratepayers must inform BES in writing of their intention to conduct self-monitoring for the purpose of creating a custom ESC rate. Ratepayers must receive BES approval prior to conducting sampling in support of a custom rate.
 - b. **Sample Collection.** Samples must be collected from a BES-approved monitoring access structure, as defined in administrative rule ENB-4.35 for monitoring access structures, that allows for the collection of samples representative of the facility's wastewater discharge. The sampling location must be available for sampling by BES staff.

- i. The ratepayer must notify BES before sampling so that staff can inspect the sampling setup.
- ii. Samples must be composite samples collected at intervals no greater than thirty minutes during the hours of operations of the facility.
- iii. A ratepayers-can request that BES perform sampling and analysis for the purpose of developing a custom rate by making a written request. The ratepayer will be charged the ESC sampling rate for this service. If BES collects samples from the approved sample location, its data may be combined with any of the ratepayer’s own sampling data to set the custom rate.
- iv. Samples must be collected during periods of dry weather
- c. Reports. The ratepayer must submit copies of all laboratory analytical reports including the Quality Assurance and Quality Control (QA/QC) information and the Chain of Custody (CoC) form used by the laboratory. Reports without this information or data from laboratories that are not in accordance with the holding times and QA/QC requirements of 40 CFR 136 will not be accepted.
 - i. The ratepayer may be required to provide production numbers and work schedules that demonstrate that the sampling period is representative of normal business operations.
- d. Rate Duration. Custom rates will remain valid only until updated with new monitoring data or the expiration of a four-year period, whichever comes first. After that, a ratepayer may re-sample their wastewater for the creation of a new custom rate or revert back to the standard Class Average rate. If any significant changes in process, business, or occupancy occur, BES may void the custom rate.

B. Measured ESC Method.

1. *Measured ESC Method Eligibility*. Ratepayers will be assessed ESCs under the Measured ESC Method based on any the following criteria:
 - a. The ratepayer’s business type is not included in the Class Average Table;
 - b. The ratepayer’s discharge has the potential for significant extra strength pollutant loads if BMPs or wastewater treatment were discontinued;
 - c. Average monthly ESC revenue from the ratepayer is greater than the Extra Strength Re-sample Rate listed on the annual BES rate ordinance; or
 - d. The ratepayer has variable wastewater characteristics that make the class average ESC method inappropriate; and
 - e. The ratepayer has a secure and accessible sampling location that is representative of the discharge from the facility.
2. *Rolling Average*. A ratepayer using the Measured ESC Method is billed based on a monthly average of BOD and/or TSS analyze during the ten most recent months of monitoring data from their facility. Ratepayers billed using the Measured ESC Method are sampled by BES staff on a scheduled basis with new data refreshing the rolling average. Ratepayers will be notified of each update of the rolling average when it occurs.
 - a. Rolling Average Start. A rolling average starts with the collection of five composite samples collected on different days from the ratepayer’s facility.

- iv. The sample result from the discharge exceeded the rolling average monitoring result mean plus three times the established standard deviation; and
 - v. Additional sampling was performed at the expense of the ratepayer and demonstrated that the discharge has returned to normal.
- c. The sampling results from a discharge approved by BES as a non-routine discharge will only be used to bill for that event's discharge volume and will not be included in the ten-month rolling average. The non-routine discharge will still be assessed ESCs for the discharge volume related to the actual event as follows:
- i. Spills will be assessed ESCs on the strength of the discharge:
 - (A) The volume of the material actually spilled; or
 - (B) The metered waste stream measurements for the duration of the spill event.
 - ii. Process upset volumes will be calculated from the date of the initial sampling event that indicated the upset until the date of the sampling event that indicated a return to normal discharge conditions.
- d. To address an inexplicably high sample result, up to 5 additional samples can be collected within 25-days of the high result, and averaged with the high result for inclusion in the rolling average. The ratepayer may request that BES collect additional samples at the ratepayer's expense or the ratepayer may perform self-monitoring per Section 5.B.5.

6. New Development and Redevelopment Control Requirements

- A. Applicability.** Businesses are required to install a sampling manhole at the time of development if:
- 1. The facility is required to do so under the administrative rules for monitoring access structures; or
 - 2. The business, business park or other facility will house tenants that may generate high-strength waste water. If such facilities are not identified in the Class Average Table, they may be required to provide sampling manholes regardless of volume discharged by individual tenants.
 - 3. Single Class Average Business Exemption. While businesses identified on the Class Average table are not required to install sampling manholes, they are encouraged to do so for potential rate reduction reasons. Any business that does not have an approved sampling location will be prohibited from requesting a custom rate.

7. Inspection

Ratepayers are required to allow entry to BES staff to determine compliance with these rules. Inspection includes access to all parts of a facility that discharges to or has the potential to discharge to the sanitary sewer system. Inspection may include sampling or other verification that BMPs are present and operational. BES staff shall comply with all business safety requirements as provided by the ratepayer at time of entry but shall not be required to sign a release as a condition of entry. Inspections may occur at any time

without warning. Denial of access may require BES to seek an administrative warrant to obtain access to a business for inspection or sampling.

8. Variance Requests.

Any ratepayer can request the use of alternative measures such as sampling waivers, alternative rate-reduction BMPs or other measures using the process outlined in this section.

A. Alternative Methods.

- 1. Class Average ESC Method Ratepayers** may request use of the following alternative methods to the Class Average ESC billing methodology specified in these rules:
 - a. Sub Metering under Section 5.A.3.
 - b. Creating of BMP Rate Reduction under Section 5.A.4.c.
 - c. Self-monitoring and Custom Rates under Section 5.A.5.
- 2. Measured ESC Method Ratepayers** may request use of the following alternative methods to the Measured ESC billing methodology specified in these rules.
 - a. Self Monitoring under Section 5.B.5.
 - b. Split Samples under Section 5.B.6.
 - c. Private Meters under Section 5.B.7.

B. Variance Requests.

- 1.** A ratepayer may request a variance from the general requirements of these rules if:
 - a. The ratepayer's wastewater discharge is comprised solely of domestic water from uses such as restrooms and hand washing, and
 - b. The ratepayer's facility has no infrastructure capable of generating wastewater containing elevated levels of BOD, TSS or FOG. Such facilities typically serve prepackaged foods that only require heating in a microwave or counter-top oven and are served with disposable wares. These facilities do not have commercial kitchen fixtures that require Type 1 hoods or have food grinders.
- 2.** Variances for Class Average ESC Method ratepayers will apply to the Class Identification requirements of Section 5.A.2.
- 3.** Variances for Measured ESC Method ratepayers will apply to either:
 - a. The Rolling Average Reset under Section 5.B.2.b., or
 - b. The Non-routine Discharge under Section 5.B.8.

C Submittal. Alternative methods and variance requests must be submitted with associated documentation to:

ESC Program Manager

D. Evaluation of Alternative Method and Variance Requests. BES will review variance requests against the following criteria:

1. *Proper Billing Method Used.* Requests to use alternative methods for billing will be judged against the criteria presented in Section 5 of these rules.
2. *Self Monitoring Data Submission.* Self-monitoring reports submitted by ratepayers for use in a rolling average or custom rate will be reviewed against all of the following criteria:
 - a. Complete CoC forms.
 - b. QA/QC reports indicating the analysis was accurately performed within specifications.
 - c. Samples must be collected from a sampling location that is representative of the total flow from the facility. Plumbing plans and diagrams should be used to document sampling locations.

9. Enforcement on Fraud and False Statements

Ratepayers may be subject to enforcement under City Code 17.34.110 or 17.36.100, for any violation of these rules. Fraud or false statements made by the ratepayer in the submission of results, reports, or other documentation required by BES, may violate other local and state laws and regulations, potentially resulting in civil penalties, cost recovery, or referral for criminal investigation.

10. Confidential Information

Businesses may choose to provide financial information including food sales and numbers of meals prepared in order to assist the City in apportioning and estimating flow volumes for ESC rates. Although this financial information will become part of the public record, businesses may request that BES consider it exempt from disclosure under the Oregon Public Records Law by citing specific exemption(s) to the law and providing supporting arguments. The assigned ESC rate, resulting average flow volume and percent water use on the account will not be considered confidential.

11. Administrative Review and Appeals

A person may request reconsideration of a BES decision through administrative review as described in this Section. Administrative review and appeal of an enforcement action is also governed by BES Enforcement Program Administrative Rules, ENB4.15. After the requestor has exhausted all BES administrative review, the requestor may file for an appeal of a decision with the Code Hearings Officer (CHO) per Portland City Code Title 22. A person may only appeal a decision that is subject to administrative review by BES.

A. Administrative Review Requests. A person to whom a notice was addressed will have 20 business days from the date the notice was issued to submit a written request for administrative review of a decision described in the notice. The requestor must provide all information known to the requestor that supports an assertion made in the written request for administrative review. The requestor must provide such information via graphic, written, or recorded communication, or in person at the

administrative review meeting. BES will hold an administrative review meeting within 15 business days of receipt of the written request for administrative review unless BES determines in its reasonable discretion that a delay is justified. The requestor may provide detailed information in writing in lieu of attending the administrative review meeting.

B. Non-Reviewable Items. A

BES decision made under these rules is subject to administrative review except that BES will not grant administrative review for the following:

1. Extra strength charge rates;
2. The amount of discount for a BMP;
3. The average concentrations of BOD and TSS for a business class listed in the Class Average Table in Appendix B of these rules; and
4. A Facial Challenge – as that term is defined in these rules – to a requirement in these rules or associated City Code, or to any technical standard.

C. BES Evaluation. BES will use authorizing City Code, the provisions of these rules and ENB-4.15, City records, the testimony and documentation provided by the requestor, and the following criteria to make a final determination on the issue that is subject of the administrative review:

1. The type of business use triggering these rules.
2. The actual facility TSS and BOD loadings based on specific facility data, if applicable.
3. The likelihood that the City will receive fair compensation for all identified past, present, and future high-strength wastewater discharges.
4. The availability of data or other evidence to determine definitively the amount of ESCs owed.

D. BES Final Determination. BES will issue to the requestor a written determination within 15 business days of the administrative review meeting unless BES determines that extenuating circumstances justify a reasonably longer period of evaluation. The written final determination will provide information about the process for filing an appeal to the CHO.

APPENDICIES

APPENDIX A –Explanatory Information

Applicability

The City has operated an Extra Strength Charge (ESC) program for many years. The existing ESC program requires BES sampling of each ratepayer's discharge on an ongoing basis and is only practical for ratepayers with large accounts, such as industries. In 2011, the rules expanded to allow alternative billing methodologies to charge ratepayers with low discharge volumes or no sample locations with ESCs without BES site specific sampling. Businesses are subject to the ESC rates based on a class average concentration of high strength wastewater based on sampling results from BES and other ratepayers.

Purpose

The City creates its base sewer charges on an assumed average discharge concentration for BOD and TSS. Pollutant removal costs for these two pollutant parameters are the basis for the City's residential and commercial sanitary sewer monthly user charges. The City bills ratepayers directly responsible for high-strength wastewater discharges rather than spreading that cost to the average residential or commercial ratepayer.

Regulatory Authority

The following are the Portland City Code (PCC) sections most relevant to the regulations found in these rules:

- Section 3.13.040 authorizes BES to establish administrative rules to implement portions of the PCC.
- Section 17.36.050 authorizes BES to allow use of private meters to apportion, reduce, or apply charges to a ratepayer's bill.
- Section 17.36.060 authorizes BES to assess an Extra Strength Charge on the sewer bills of ratepayers that discharge high-strength wastewater to the sanitary sewer.
- Section 17.36.100.E states that the submission to the City of false information or data may constitute fraud.
- Section 17.34.080 and 17.36.100 authorizes BES personnel to perform inspections of facilities and to collect samples of wastewater discharged to the City's sanitary sewer system. It also authorizes BES to require a sampling manhole by dischargers wanting to use City systems.
- The BES annual rate ordinance lists the Extra Strength Charge rates for the current City fiscal year.

Billing Methodology

The City will utilize one of two methodologies to bill ratepayers for ESCs.

Section 5.A. The Class Average ESC Method. ESCs are based on the average discharge concentrations of certain business classes that are commonly used by other municipalities nationwide. This method eliminates the need for the City to perform expensive sampling and the need for the ratepayer to construct a sampling manhole.

All of the classes included in the Class Average Table and subject to the Class Average Billing Method are businesses that perform food service or food processing. BES will use license lists from the appropriate agencies to identify ratepayers that should be billed using the class average ESC method.

1. Class Average Table. The Class Average Table is based on average discharge concentrations for both BOD and TSS for certain industrial ESC ratepayers and from sampling studies of additional businesses. The Class Average Table is intended to be a dynamic document and may be updated to add additional business classes, adjust average concentrations based on new data, or to add or alter approved best management practices.

3 Flow Apportionment and Estimation. Many of the small commercial facilities identified by the Class Average Table will be tenants on properties with a sewer account serving several businesses and paid by the landlord. Flow estimations have no billing overhead to the ratepayer.

The Credit Meter Program uses actual measured flow from individual tenants in their bill calculation for an administrative charge.

4 Approved Best Management Practices (BMPs) for Rate Reduction.

Ratepayers billed using the class average ESC method are not locked into a fixed rate but have the opportunity to implement certain BMPs that can reduce their ESCs and promote onsite pollution prevention.

a Food Grinder Removal. It has been shown that facilities that do not have grinders or remove them have lower BOD and TSS discharge concentrations.

b Grease Management Device Installation. Fats, oils and grease (FOG) are high in both BOD and TSS. FOG can also be a significant problem in the collection system, blocking sewer lines and causing sewage spills and basement backups. Well maintained and properly installed grease interceptors and grease traps greatly reduce the amount of FOG discharged to the sewer lowering BOD and TSS concentrations and reducing sewer line blockages.

Details about the preferred pumper program can be found at www.preferredpumper.org.

c. Combined Reductions. This rate will be established January 1, 2014 and will garner a 5% reduction off of the class average discharge rate.

d. Other BMP Rate Reduction. Approved BMPs will not be specific to any product, brand, manufacturer or supplier.

5. Custom Rates. Because the Class Average Method is based on average discharge concentrations some rate payers may dispute that their wastewater is accurately characterized. Sampling data can result in a ratepayer having a higher or lower ESC, or prove that a ratepayer has no extra-strength wastewater which removes them from the ESC program altogether.

Section 5.B

2 Rolling Average. The rolling average smoothes the ratepayers ESC rate and minimizes potential high swings of rates from month to month. The 10 samples can be over a variety of months and are averages of multiple data points. Those 10 monthly averages are then averaged to obtain the rolling average.

- a **Rolling Average Start.** The start date is intended to prevent a ratepayer's bill from being based on a single sample and sets a minimum number of samples with which a bill can be based. Production day is based on the hours of operation (such as 9-5) or a block of 24 hours for continual operation.
 - b **Reset.** The purpose of the reset is to allow a ratepayer to see immediate benefit of modifying a process or implementing treatment improvements. It is not intended as a process to allow a ratepayer to throw out high level monitoring data
- 3 **Sampling Frequency.** The purpose of this language is to ensure that the City is not spending as much or more on sampling and analysis of a ratepayer's discharge than will be recovered in ESCs. In special cases where a business discharges may vary greatly due to seasonal work, different contracts, or business practices, it may be in the City's best interest to have a sampling frequency greater than the 1/5th rule.
7. **Private Meters.** Private meters are frequently used to measure water not discharged to the sewer system due to evaporation, irrigation, or use in a product. This is existing practice and policy implemented through the Submeter Program and is not exclusive to ESCs.
- The Submeter Program charge has two additional costs – a water/sewer base charge for the new sub-meter plus a monthly charge by BES to read the sub-meter. The current cost per month is based on the latest fees on the annual rate ordinance of the City's Water Bureau and BES. As of the adoption of these rules the charge is approximately \$50 to \$55/month/meter for most Credit Meter Program participants
8. **Non-routine discharge.** This language is based on existing practice, policy, and city code 17.36.110. If a business has a spill or accident that results in very high BOD and TSS monitoring results they may be able to receive some protection of their rolling average. The business must report the non-routine discharge to the City, with the quantified volume within designated reporting times so the City may ascertain whether such a load will have impacts to City treatment systems. If the non-routine discharge is confirmed and approved by BES, then and the ratepayer would only be billed a higher ESC for the volume of the non-routine discharge incident and the data would not affect their rolling average rate.

New and Redevelopment Control Requirements

It is difficult to estimate a proposed facility's discharge volume or wastewater characteristics and accurately predict which ESC billing method will be most appropriate to use for the ratepayer. Because of this uncertainty, facilities with the potential to generate extra strength discharges are either required or encouraged to provide an adequate sampling location. The building plan review process is the most appropriate time to require a sampling manhole.

Inspection

Many site conditions must be verified through BES inspection, such as the BMPs claimed by the ratepayer for rate reduction. It is anticipated that most inspections will be scheduled based on request of the ratepayer and will occur during the hours of business operation. Inspections related to complaint response or enforcement follow up may be unannounced.

Variance Requests

This rule provides a ratepayer with many options to customize the calculation of their ESC. Ratepayers are encouraged to use alternative method and variance requests as an early method of resolution for detailed items related to data submittals such as timeline, number or duration of sampling events or class identification.

If a ratepayer is not satisfied with the variance determination they can request a more formal administrative review or appeal (See Section 10).

Enforcement on Fraud and False Statements

The rate discount structure and flow estimation language of this rule provide a strong financial tool for compliance in lieu of more traditional enforcement. BES enforcement will likely result in the loss of BMP discounts or discounts for flow reductions, resulting in higher charges to the ratepayer.

There may be cases for more formal enforcement in case such as sample tampering, and submission of false meter reads or data. These issues may constitute fraud or theft of services, and may require civil penalties or referral for criminal investigation.

APPENDIX B Class Average Table.

ESSC Class Average Table

		Discount %	BOD mg/L	TSS mg/L
Restaurant, Sit Down.	Base	0	1200	500
	with Grease Trap	5	1140	475
	with Grease Interceptor	10	1080	450
	no Grinders	3	1164	485
	no Grinders & GT	8	1104	460
	no Grinders & GI	13	1044	435
	Composting, no Grinders	7	1116	465
	Composting, no Grinders & GT	12	1056	440
	Composting, no Grinders & GT, All			
	Combined BMP 5% Bonus (5.A.4.c) Fixtures	<u>17</u>	<u>996</u>	<u>415</u>
	Combined BMP 5% Bonus (5.A.4.c) Composting, no Grinders & GI	17	996	415
Combined BMP 5% Bonus (5.A.4.c) Composting, no Grinders & GI, All				
Combined BMP 5% Bonus (5.A.4.c) Fixtures	<u>22</u>	<u>936</u>	<u>390</u>	
Restaurant, Fast Food	Base	0	550	450
	with Grease Trap	5	523	428
	with Grease Interceptor	10	495	405
	with no Grinders	2	539	441
	with no Grinders & GT	7	512	419
	with no Grinders & GI	12	484	396
	Composting, no Grinders	4	528	432
	Composting, no Grinders & GT	9	501	410
	Composting, no Grinders & GT, All			
	Combined BMP 5% Bonus (5.A.4.c) Fixtures	<u>14</u>	<u>473</u>	<u>387</u>
	Combined BMP 5% Bonus (5.A.4.c) Composting, no Grinders & GI	14	473	387
Combined BMP 5% Bonus (5.A.4.c) Composting, no Grinders & GI, All				
Combined BMP 5% Bonus (5.A.4.c) Fixtures	<u>19</u>	<u>446</u>	<u>365</u>	
Supermarket	Base	0	1050	650
	with bakery, meat cutting, deli, produce, or seafood	5	998	618
	with Grease Trap	10	945	585
	with Grease Interceptor	10	945	585
	with no Grinders	3	1019	631
	with no Grinders & GT	8	966	598
	with no Grinders & GI	13	914	566
	Composting, no Grinders	7	977	605
	Composting, no Grinders & GT	12	924	572
	Composting, no Grinders & GT, All			
	Combined BMP 5% Bonus (5.A.4.c) Fixtures	<u>17</u>	<u>872</u>	<u>540</u>
Combined BMP 5% Bonus (5.A.4.c) Composting, no Grinders & GI	17	872	540	
Combined BMP 5% Bonus (5.A.4.c) Composting, no Grinders & GI, All				
Combined BMP 5% Bonus (5.A.4.c) Fixtures	<u>22</u>	<u>819</u>	<u>507</u>	

Brew Pub	Base	0	1700	540
	with Grease Trap	2.5	1658	527
	with Grease Interceptor	5	1615	513
	with no Grinders	1	1683	535
	with no Grinders & GT	3	1649	524
	with no Grinders & GI	5.5	1607	510
	Composting, no Grinders	4.5	1624	516
	Composting, no Grinders & GT	7	1581	502
Combined BMP 5% Bonus (5.A.4.c)	Composting, no Grinders & GT, All			
	Fixtures	<u>12</u>	<u>1496</u>	<u>475</u>
	Composting, no Grinders & GI	9.5	1539	489
Combined BMP 5% Bonus (5.A.4.c)	Composting, no Grinders & GI, All			
	Fixtures	<u>14.5</u>	<u>1454</u>	<u>462</u>

Meat Market	Base	0	1100	500
	with Grease Trap	30	770	350
	with Grease Interceptor	60	440	200
	Composting, no Grinders	4	1056	480
	Composting, no Grinders & GT	34	726	330
Combined BMP 5% Bonus (5.A.4.c)	Composting, no Grinders & GT, All			
	Fixtures	<u>39</u>	<u>671</u>	<u>305</u>
	Composting, no Grinders & GI	64	396	180
Combined BMP 5% Bonus (5.A.4.c)	Composting, no Grinders & GI, All			
	Fixtures	<u>69</u>	<u>341</u>	<u>155</u>

Bakery, bread	Base	0	1400	1100
	with Grease Trap	5	1330	1045
	with Grease Interceptor	10	1260	990
	Composting, no Grinders	4	1344	1056
	Composting, no Grinders & GT	9	1274	1001
Combined BMP 5% Bonus (5.A.4.c)	Composting, no Grinders & GT, All			
	Fixtures	<u>14</u>	<u>1204</u>	<u>946</u>
	Composting, no Grinders & GI	14	1204	946
Combined BMP 5% Bonus (5.A.4.c)	Composting, no Grinders & GI, All			
	Fixtures	<u>19</u>	<u>1134</u>	<u>891</u>

Bakery, confections	Base	0	2300	900
cake, pie, cookies	with Grease Trap	5	2185	855
	with Grease Interceptor	10	2070	810
	Composting, no Grinders	4	2208	864
	Composting, no Grinders & GT	9	2093	819
Combined BMP 5% Bonus (5.A.4.c)	Composting, no Grinders & GT, All			
	Fixtures	<u>14</u>	<u>1978</u>	<u>774</u>
	Composting, no Grinders & GI	14	1978	774
Combined BMP 5% Bonus (5.A.4.c)	Composting, no Grinders & GI, All			
	Fixtures	<u>19</u>	<u>1863</u>	<u>729</u>

Donut Shop	Base	0	1200	350
	with Grease Trap	5	1140	333
	with Grease Interceptor	10	1080	315
	Composting, no Grinders	4	1152	336

	Composting, no Grinders & GT	9	1092	319
Combined BMP 5% Bonus (5.A.4.c)	Composting, no Grinders & GT, All Fixtures	<u>14</u>	<u>1032</u>	<u>301</u>
	Composting, no Grinders & GI	14	1032	301
Combined BMP 5% Bonus (5.A.4.c)	Composting, no Grinders & GI, All Fixtures	<u>19</u>	<u>972</u>	<u>284</u>

Coffee Shop	Base	0	800	350
	with Grease Trap	5	760	333
	with Grease Interceptor	10	720	315
	Composting, no Grinders	4	768	336
	Composting, no Grinders & GT	9	728	319
Combined BMP 5% Bonus (5.A.4.c)	Composting, no Grinders & GT, All Fixtures	<u>14</u>	<u>688</u>	<u>301</u>
	Composting, no Grinders & GI	14	688	301
Combined BMP 5% Bonus (5.A.4.c)	Composting, no Grinders & GI, All Fixtures	<u>19</u>	<u>648</u>	<u>284</u>

Commercial Kitchens	Base	0	1100	400
cafeterias, caterers, commissaries	with Grease Trap	5	1045	380
	with Grease Interceptor	10	990	360
	with no Grinders	3	1067	388
	with no Grinders & GT	8	1012	368
	with no Grinders & GI	13	957	348
	Composting, no Grinders	7	1023	372
Combined BMP 5% Bonus (5.A.4.c)	Composting, no Grinders & GT	12	968	352
	Composting, no Grinders & GT, All Fixtures	<u>17</u>	<u>913</u>	<u>332</u>
Combined BMP 5% Bonus (5.A.4.c)	Composting, no Grinders & GI	17	913	332
	Composting, no Grinders & GI, All Fixtures	<u>22</u>	<u>858</u>	<u>312</u>

Hotel	Base	0	500	400
Hotels with full service restaurants and/or banquet kitchens.	with Grease Trap	5	475	380
	with Grease Interceptor	10	450	360
	no Grinders	3	485	388
	no Grinders & GT	8	460	368
	no Grinders & GI	13	435	348
	Composting, no Grinders	7	465	372
Combined BMP 5% Bonus (5.A.4.c)	Composting, no Grinders & GT	12	440	352
	Composting, no Grinders & GT, All Fixtures	<u>17</u>	<u>415</u>	<u>332</u>
Combined BMP 5% Bonus (5.A.4.c)	Composting, no Grinders & GI	17	415	332
	Composting, no Grinders & GI, All Fixtures	<u>22</u>	<u>390</u>	<u>312</u>