



CENTRAL MARIN SANITATION
AGENCY

**AN ORDINANCE RELATING TO FEE SCHEDULES
FOR CAPACITY CHARGES, WASTE HAULERS,
AND INDUSTRIAL MONITORING**

ORDINANCE No. 2016 - 1

July 2016

CENTRAL MARIN SANITATION AGENCY

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The Commission of the Central Marin Sanitation Agency does ordain as follows:

SECTION 1 - DEFINITIONS

Agency: Agency means Central Marin Sanitation Agency, a joint exercise of powers agency formed on October 15, 1979.

Member Agency or Local Agency: A Member Agency or Local Agency means one of the four signatories of the Central Marin Sanitation Agency joint exercise of powers agreement, namely: the City of Larkspur, San Rafael Sanitation District, Sanitary District No. 1 of Marin County, or Sanitary District No. 2 of Marin County.

Plumbing Fixture Unit: A plumbing fixture unit, or fixture unit, evaluates the wastewater load resulting from average use of various kinds of plumbing fixtures. As used herein, a plumbing fixture unit means a plumbing fixture unit as defined by the most recent version of the Uniform Plumbing Code (UPC). There are 16 plumbing fixture units in a service unit.

Service Unit: A service unit, or equivalent dwelling unit (EDU), means a unit of a wastewater discharge with volume and strength estimated to equal that of an average single-family residential unit.

SECTION 2 - NO FREE SERVICE

No facilities or services of the Agency's wastewater system shall be furnished to any user free of charge.

SECTION 3 - CAPACITY CHARGE

A regional capacity charge of five thousand eight hundred and sixty three dollars and twenty cents (\$5,863.20), to be used by CMSA only and for capital improvement purposes only, shall be paid for each new sewer user connecting to a public sewer within or being served by one of CMSA's Member Agencies. Such charge shall be collected by the Member Agency in the same manner in which the Member Agencies now collect their own local sewer connection fee. Member Agencies shall forward the regional capacity charges collected on behalf of CMSA within 45 days of receipt of such funds. Nothing contained herein is intended to reduce or interfere with a Member Agency's local sewer connection and other fees.

The amount of such regional capacity charge as of July 1, 2016 is as follows:

1	Residential units, whether in single-family or multiple-family configuration. <i>Per service unit:</i>	\$5,863.20
2	Other new sewer user connections, including commercial, public agency, non-profit and all others users, except industrial and high strength users. <i>Per plumbing fixture unit, as defined in the UPC:</i> Residential fee [1] divided by standard number of plumbing fixtures per unit ($\$5,260.68 \div 16$)	366.45*
3	High Strength Users, including restaurants and bakeries. Commercial fee times high strength factor (2.34). <i>Per plumbing fixture unit, as defined in the UPC:</i> Commercial fee [2] multiplied by the high strength factor ($\$366.45 \times 2.34$)	857.49*
4	New industrial structures and/or those new sewer users which, as determined by the Agency's general manager, discharge special volumes or strengths of wastewater shall be charged a regional capacity charge established by Board action in each individual case.	

*But not less than \$5,863.20 per connection, the minimum fee.

SECTION 4 - ANNUAL ADJUSTMENT OF CAPACITY CHARGE

Each year, commencing on July 1 and continuing thereafter on each July 1, the connection fee shall be adjusted by an increment based on the most recent annual change (April to April) in the Engineering News-Record Construction Cost Index (ENR Index) for San Francisco.

However, the CMSA Board of Commissioners may at its option determine, by resolution adopted prior thereto, that such adjustment shall not be effective for the next succeeding year, or may determine other amounts as appropriate.

The base index in this ordinance is based on an ENR Index of 11,559.15 (April 2016).

SECTION 5 - SECOND UNITS, SENIOR CITIZEN AND AFFORDABLE HOUSING

Those residential construction projects which a Member Agency designates and determines are qualified for reduced local sewer connection fees shall also automatically qualify for a reduced regional capacity charge. However, the Agency's regional capacity charge shall be reduced only by the same proportionate amount as the Member Agency's connection fee.

SECTION 6 - WASTE HAULER CHARGES

A wastewater facilities use charge shall be paid by septage haulers, other trucks hauling chemical toilet and/or domestic strength water, and recreational vehicles discharging directly in the Agency's treatment and disposal facilities. Each type and volume of hauled waste is assigned a Service Unit (Equivalent Dwelling Unit, EDU) as of July 1, 2016 as shown in the table below.

TYPE OF VEHICLE	SERVICE UNITS (EDU)
Septage and Chemical Toilet Waste Haulers: Truck volume per 1,000 gallons or portion of	0.270
Recreational Vehicle and Other Domestic-Strength Waste Haulers: Minimum charge is \$10.00	0.025
Other Tank Truck Wastes: As determined by the Agency's General Manager, on a case-by-case basis.	

Each year, commencing on July 1 and continuing thereafter on each July 1, the annual service charge "EDU Rate" for each service unit "EDU" will be established in the CMSA Adopted Budget. The Agency's EDU Rate will be based on the total Agency Budget for operating and debt service expenses divided by the number of reported Equivalent Dwelling Units in the CMSA service area for the current fiscal year.

Each waste hauler shall pay a waste disposal fee based on the following formula:

Trucked Waste Disposal Fee = (Total volume / 1,000) x (0.27 x current FY EDU Rate) + Per Load Monitoring Fee.

Recreational Vehicle Disposal Fee = 0.025 x current EDU Rate

A fifteen dollar (\$15.00) Per Load Monitoring Fee is charged to recover the cost of sample collection and analysis.

The charges determined above shall be rounded to the nearest five cents (\$0.05).

SECTION 7 – FATS, OILS AND GREASE (FOG) HAULER CHARGES

A wastewater facilities use charge shall be paid by haulers of fats, oils and grease (FOG) discharging directly in the Agency's treatment and disposal facilities.

Tipping Fee Tiers (gallons)	Charge per Tier (\$/gallon)
0 – 1,500	0.06
1,501 – 3,000	0.05
3,001 - 5,000	0.03
5,001 – 10,000	0.02
10,001 – 15,000	0.01
15,001+	No charge

The Agency may also charge a \$15.00 Per Load Monitoring Fee to waste haulers to recover the actual cost of any required sample collection and analysis.

Based on prevailing market conditions, the Agency may need to establish a per gallon FOG disposal fee that is lower than the fee described above to be competitive with the FOG disposal fees charged by other wastewater treatment or similar disposal facilities. Under these circumstances, the General Manager may recommend a reduction in the FOG fee and request the Board of Commissioners to make the reduction through a Board action at a properly agendized Board meeting OR the fee may be reduced to a competitive level at the discretion of the General Manager, who shall notify the Board of such fee reduction at its next regular meeting. Any new rate change under this section would become effective immediately either upon the date of the Board action or upon the date that the General Manager makes the decision for a reduction.

SECTION 8 – LIQUID ORGANIC WASTE HAULER CHARGES

Liquid wastes from food and beverage manufacturing and/or production facilities are accepted at the Agency's FOG/Food Waste receiving facility. The Agency's fee to receive and process each type of liquid waste will be negotiated with the generator of the waste material, and will consider the expected delivery volume and frequency, and its contamination level and organic content relative to FOG waste.

The General Manager has the authority to establish the initial tipping fee for each type of liquid waste material and adjust the fee to remain competitive in the marketplace.

In no event will the delivery fee be greater than the Agency's FOG tipping fee.

SECTION 9 - INDUSTRIAL MONITORING FEES

- A. CMSA shall assess and collect fees for the recovery of costs associated with the discharge of industrial wastes to the sanitary sewers. These fees are permit fees, inspection fees, sampling fees, and noncompliance fees. These fees are described in Section 5.D. of CMSA Ordinance No. 2013-1, the Sewer Use Ordinance.

- B. Persons discharging contaminated groundwater to the sanitary sewers shall be subject to the industrial monitoring fees in Section 7-A. above. In addition, they shall pay a flow charge per thousand gallons discharged.

Each 1,000 gallons shall have a service unit of 0.014. The service unit shall be multiplied by the EDU rate, as defined above, and rounded to the nearest five cents.

SECTION 10 – DETERMINATION THAT FEES DO NOT EXCEED COST OF SERVICE

CMSA has determined that the fees for Capacity Charges (Section 3), Waste Hauler Charges (Section 6), Fats, Oils and Grease (FOG) Hauler Charges (Section 7), Organic Liquid Waste Hauler Charges (Section 8), and Industrial Monitoring Fees (Section 9) do not exceed the cost of providing the services that CMSA provides.

SECTION 11 - SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, no other provision of this ordinance shall be affected thereby.

SECTION 12 - REPEALS

All prior Ordinances of CMSA relating to fees are hereby repealed

SECTION 13 - EFFECTIVE DATE

This ordinance shall be effective thirty (30) days after its passage. Before the expiration of fifteen (15) days after its passage, it shall be published once, with the names of the members voting for and against it, in the Marin Independent Journal, a newspaper of general circulation published within the Agency boundaries.

PASSED AND ADOPTED on July 12, 2016 by the following vote:

AYES: Kathy Hartzell, Maribeth Bushey, Al Boro, Frank Egger, Diane Furst, Thomas Gaffney

NOES: None

ABSENT: Mary Sylla

Attest:



Kathy Hartzell – Commission Chair



Albert Boro – Commission Secretary