



# **Rates, Rentals and Charges**

## **Oldham County**

**EFFECTIVE AUGUST 1, 2023**





## **Oldham County Schedule of Rates, Rentals and Charges Effective August 1, 2023**

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On July 1, 2020, Louisville & Jefferson County Metropolitan Sewer District acquired the wastewater system of Oldham County Environmental Authority (OCEA) pursuant to the terms of an Interlocal Cooperation Agreement entered into on November 18, 2019. Article XI of the Interlocal Cooperation Agreement establishes OCEA Service Area Rates Rentals and Charges. These rates are applicable to wastewater customers in the former OCEA service area, including wastewater customers located in the Glen Oaks, Moser Farms and The Woods of Glen Oaks subdivisions.

## 1.0 Wastewater Service Charges

### 1.1 Commercial and Industrial Charges:

<u>Meter Size</u>	<u>Monthly Billing</u>	<u>Daily Proration</u>
Inches	\$/Bill	\$/Bill
5/8	94.70	3.11341
3/4	94.70	3.11341
1	123.80	4.06997
1 1/2	203.34	6.68525
2	250.59	8.23867
3	322.85	10.61438
4	389.10	12.79228

### 1.2 Residential Charges:

<u>Monthly Billing</u>	<u>Daily Proration</u>
\$/Bill	\$/Bill
\$50.32	\$1.65422

## 2.0 Wastewater Volume Charges

The Wastewater Volume Charge is based on either water used as measured by a meter(s) or wastewater discharged to the public sewer that is directly measured by either a private effluent flow meter(s) or calculated using a combination of addition meters and subtraction meters that have been certified by the MSD Finance Division for billing purposes. Wastewater Volume Charges may be modified from time to time by contractual agreement with individual customers. Wastewater Volume Charges are calculated based on the following rates:

### 2.1 Regular Volume Rate

- 2.1.1 Commercial - \$6.09 per 1,000 gallons of volume billed
- 2.1.2 Industrial - \$6.09 per 1,000 gallons of volume billed
- 2.1.3 Residential - \$6.09 per 1,000 gallons of volume billed

## 3.0 Penalty Charges

### 3.1 Delinquent Bill Penalty

Whenever any sewer rates, rentals, or charges for services remains unpaid for a period of thirty days (30) days after the same becomes due and payable, the property, the owner thereof, and the user of the service shall be deemed delinquent until such time as all service rates, rentals and charges are fully paid and shall be subject to cut off of sewer connection and service, and the discontinuation of water service.

Pursuant to KRS 76.090, it is unlawful for any delinquent to use water from any public water service or system and discharge same into an MSD sewer.

A delinquent bill penalty of five percent (5%) of the outstanding wastewater charges shall be added to all wastewater service bills not paid by their due dates in accordance with the penalty policy in use by MSD's billing and collection agent, the Louisville Water Company, or as otherwise determined by MSD.

## 4.0 Unusual Discharge Fee

Any business, firm or individual introducing into MSD's sewer system a substance detrimental to MSD's sewers, wastewater treatment facilities, pumping facilities or wastewater treatment processes, or which results in abnormal costs for MSD, shall be charged and shall pay the actual total costs incurred as determined by MSD. For additional information please see <https://louisvillemmsd.org/industrial-waste-programs/udr>

### 4.1 Unusual Discharge Fees – Wastewater

Any business, firm, or individual proposing to discharge any substance that is not consistent with typical wastewater discharge in composition or flow rate to the sanitary or combined sewer system shall prepare and submit an application for such discharge. MSD will review, comment, modify, and approve or disapprove the application. MSD may charge an application review fee. MSD may also charge fees for accepting or handling the discharge including inspection, sampling, testing, and monitoring fees. Accidental discharges shall be reported to MSD at the earliest opportunity. MSD may charge field response, review, inspection, investigation, sampling, testing, monitoring, quality charges, sewer rates, and other applicable fees. MSD may pursue enforcement actions including penalties, fines, and remedial measures for failure to follow proper discharge procedures.

## 5.0 Connection Fees

5.1 A property service connection is the physical connection from MSD's public sewer to the property to be served or the easement line.

5.2 The Connection Fee shall be equal to the actual construction cost plus a \$250.00 administrative fee.

5.2.1 The cost of connection must be paid prior to the installation of the connection.

## 6.0 Capacity Charges

Capacity fees are charged by sewer utilities to assure that customers that connect to their system pay the customer's share of sewers and treatment plants required to convey and treat their wastewater. Capacity fees defray the cost of expansions made to serve new customers and have

new customers share the cost of repair or replacement of other system components needed to serve them.

**Capacity Fee Calculation:**

**6.1 Single-family Units:**

These are buildings usually occupied by just one household or family and consist of just one dwelling unit that does not share an inside wall with any other house or dwelling. The fee is \$3,520/home.

**6.2 Multi-Family Units:**

These are separate living units usually occupied by just one household or family and that share one or more inside walls with other similar units. These includes apartments and condominiums, whether they exist in structures as small as a duplex or large enough to contain dozens of units. They do not include a hotel, motel, nursing home, dormitory and other similar residential dwelling. The fee for three or more bedrooms is \$3,520/unit. The fee for two bedrooms \$2,640/unit. The fee for one bedroom \$1,720/unit.

**6.3 Other Structures:**

These are dwellings or structures that are not a single family detached home or a multi-family unit. A capacity fee for these dwellings and structures is based the estimated average daily volume of wastewater that will be generated at the structure and discharged to the former OCEA system. For these structures a capacity fee is due before initial construction and prior to any modification or expansion reasonably expected to increase by 10% or more the average daily volume of wastewater generated at the structure. Additional capacity fees are calculated by multiplying the anticipated volume increase by the capacity fee in effect at the time modification approval is requested. The fee shall be \$8.80/gallon estimated average daily volume of wastewater to be generated.

## **7.0 Wastewater Facility Review and Inspection Fees**

The MSD Board may establish fees for the review and approval of plans and designs of wastewater facilities and for the inspection of the construction of wastewater facilities and the review, approval and programming of telemetry for wastewater facilities, all in accordance with KRS Section 76.085. For additional information please see <https://louisvillemsd.org/what-we-do/stormwaterdrainage/permitting>.

## **8.0 System Development Surcharge**

A System Development Surcharge Area is a means through which MSD can recoup funds used to extend, upsize, or in other ways increase system capacity within a specific area. The area may be identified by MSD when (i) sewer facilities are constructed or acquired and such facilities are consistent with MSD's approved Master Plan or Action Plan, (ii) regional sewers are constructed, or (iii) facilities are upgraded or extended pursuant to Section 14 (Excess Cost Payments for Sewer Extension). To defray the cost of providing sanitary sewer facilities, including applicable design costs, a System Development Surcharge Fee shall be imposed on the development of all properties within the System Development Surcharge Area. A System Development Surcharge Fee shall be paid when a development proposes to provide sewer services by extension of, or connection to, MSD's sewer system. A System Development Surcharge Fee shall also be paid when a property not located within a System Development Surcharge Area connects to the sewer facilities located within a System Development Surcharge Area via pumping or other means. Payment of a System

Development Surcharge Fee shall not exempt a development from payment of other applicable fees and charges, including but not limited to, Inflow and Infiltration Charges and Capacity Charges.

The guidelines below provide for the development of a System Development Surcharge Fee based on a consideration of the size of the System Development Surcharge Area. However, MSD may apply one, or a combination of, the methodologies in Sections 13.1 and 13.2 for the development of a System Development Surcharge Fee if MSD determines that doing so is fair and reasonable based upon the facts related to the specific System Development Surcharge.

- 8.1. For a System Development Surcharge Area in excess of 1,000 single family residential equivalent lots or cost greater than \$2,000,000, the System Development Surcharge Fee will be determined based upon an evaluation for the relevant System Development Surcharge Area. The evaluation shall consider the cost of constructing the facilities, the capacity for the relevant System Development Surcharge Area, estimated residential, commercial and industrial development based on current zoning information, and estimated water use associated with potential developments.
- 8.2. For a System Development Surcharge Area less than 1,000 single family residential equivalent lots or \$2,000,000, MSD will establish a methodology for calculating the System Development Surcharge Fee. The methodology shall consider the cost of constructing the facilities, the estimated developable lots within the surcharge area, the additional capacity provided, and estimated water use, in order to establish a price per gallon.

## 9.0 Emergency Wastewater Rate Assistance Program (EWRAP)

### 9.1 Definitions

For purposes of this Section only, the words or phrases below shall have the following meanings:

- 9.1.1 **Household** means an individual or group of individuals who are living together in the principal residence sharing common living arrangements.
- 9.1.2 **Gross Household income** means all earned and unearned income, including lump sum payments received by a household during the calendar month preceding the month of application.
- 9.1.3 **Low-income residential customer** means a direct residential customer of MSD having a gross total household income at or below one hundred fifty percent (150%) of the official poverty income guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services under authority of 42 U.S.C. 9902(2), or who is eligible for the Low Income Home Energy Assistance Program state plan prepared by the Kentucky Cabinet for Health and Family Services, Department for Community Based Services at the time of application.
- 9.1.4 **Principal residence** means the place where the customer is living voluntarily and not on a temporary basis; the place the customer considers home; the place to which, when absent, the customer intends to return; and is identifiable from another residence, commercial establishment or institution.

### 9.2 Wastewater Discount

All eligible low-income residential customers may receive a thirty percent (30%) discount on the wastewater charges on their sewer bill beginning October 1, 2023. The discount,

known as the Emergency Wastewater Rate Assistance Program discount, shall apply to wastewater service charges and wastewater volume charges. Program participation is limited to 3,000 customers and/or will only be offered until available funding is expended.

### 9.3 Eligibility Criteria

The Emergency Wastewater Rate Assistance Program (“EWRAP” / “Program”) discount shall be available to low-income residential customers who:

- 9.3.1 Apply for and are approved for the discount. Customers shall provide required information upon forms and in the manner required by Program rules to certify their eligibility.
- 9.3.2 Are receiving water by separate metered water service for a property or dwelling used solely for residential purposes owned or leased by the customer as his or her principal residence.
- 9.3.3 Are named customers with MSD and are responsible for paying the sewer bill received from the Louisville Water Company for the customer’s principal residence.
- 9.3.4 Verify and certify gross household income and ownership or leasehold of their principal residence in the manner required by the Program.
- 9.3.5 Have total gross household income, when computed annually, including the income of all occupants, and regardless of age, that does not exceed 150% of the official poverty income guidelines referenced in section 17.1.3 computed annually.
- 9.3.6 Are not receiving and have not been approved to receive MSD’s Senior Citizen’s discount as of the date of application for the Program.
- 9.3.7 Satisfy all other terms and conditions established by the Program for eligibility.

### 9.4 Exclusions

MSD customers, age 65 years of age or older, receiving or who have been approved to receive MSD’s Senior Citizen’s discount, shall not be eligible for the Emergency Wastewater Rate Assistance Program.

### 9.5 Effective Date of EWRAP Discount

Except as set forth in Section 17.8, the emergency wastewater rate assistance discount shall commence on the next subsequent billing date following approval of the customer’s application and shall continue until September 30, 2024, conditioned upon the customer’s continued eligibility. If the program is continued after September 30, 2024, customers will be required to re-apply to continue to receive the discount.

### 9.6 Program Administration

The Executive Director or his designee may prescribe such policies, regulations, and procedures, consistent with the provisions of this Section, as deemed necessary and appropriate to administer and enforce the Emergency Wastewater Rate Assistance Program.

### 9.7 Program Modification / Termination



The Emergency Wastewater Rate Assistance Program shall continue through September 30, 2024, unless earlier termination at the discretion of MSD and may be modified by MSD at any time.

## **10.0 Senior Citizens Discount**

Senior Citizens are eligible for a 30% discount off wastewater service charges, wastewater volume charges and the Consent Decree Surcharge. This discount will be made available to customers of MSD that are 65 years or older, have a gross household income of \$35,000 or less, and are the primary titleholder or leaseholder on the property subject to the bill. An application will be sent to those customers that request one and the discount shall begin on the billing period following the date that the application is approved by MSD. In order to qualify for this discount, proof of age such as a birth certificate or driver's license must be provided. In addition, proof of all income received during the previous month by any member of the household. Customers that qualify for this discount may be asked to complete a renewal application on an annual basis or as otherwise determined by MSD.

## **11.0 Adjustment of Charges and Appeals**

Any owner who considers that wastewater charges applied to the owner's parcel are inaccurate or otherwise disagrees with the determination may apply to MSD's Financial Director for a rate review, stating in writing the grounds for the adjustment. The Financial Director will review the case and report findings to the Executive Director. The Executive Director shall consider the complaint and staff recommendations and determine whether an adjustment is necessary to provide for reasonable and equitable application of the charge(s).

Appeal of decisions made by the Executive Director may be brought before the MSD Board in writing with notice and substance of the appeal sent to the Board's secretary within fifteen (15) days after the owner receives the Executive Director's decision. Upon reviewing the documentation, the Board shall render a final decision.

In the event of a billing error, MSD may back bill the customer for a period of two years from the date the error was discovered and MSD will grant refunds for overbillings for a period of two years from the date it was notified of the overbilling.

## **12.0 Severability**

If any section, clause or provision of this amendment be declared by the courts to be invalid, the same shall not affect the validity of the amendment as a whole or any part thereof, other than the part so declared to be invalid.

